

# THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2013



## TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

---

November 29, 2013

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

Dear Chief Judge Lippman:

On behalf of the Task Force to Expand Access to Civil Legal Services in New York, I am pleased to forward our fourth Report for your consideration. The Task Force once again assisted in the preparation for your four public hearings on civil legal services held to assess the extent and nature of the current unmet civil legal needs of low-income New Yorkers throughout the State and to identify the level of resources necessary to meet that need. Our Report includes the Task Force's findings on the continuing access to justice gap based on the hearings' testimony, provided both orally and in writing, and our recommendation for additional funding.

The Report also documents the achievements of the significant non-monetary recommendations made in our prior Reports. In addition, the Task Force engaged in substantial study, research and analysis leading to several new non-monetary recommendations that contribute to a multi-faceted strategy for helping to close the justice gap. The Report continues to include analysis of the substantial economic benefits to New York State from investing in civil legal services. Finally, the Task Force convened its second annual Law School Conference involving representatives from the fifteen New York law schools, the private bar, legal services providers, and the courts, focusing on the role of law schools in helping to close the justice gap.

The members of the Task Force are unanimous in supporting this Report. They represent many diverse perspectives and bring to the Task Force a breadth of experience, special insights and a commitment to creative solutions. They have made significant contributions of time and energy to our work this year. The Task Force was ably assisted by its Counsel Jessica Klein, as well as by Lara Loyd and Chiansan Ma, all from Sullivan & Cromwell, as well as by Mary Mone and Lauren Kanfer from your office.

We continue to be inspired in our work by your unequivocal commitment to the need to provide civil legal assistance to the most vulnerable low-income New Yorkers in matters that involve the very basic necessities of life and by your determination to bring us closer to the ideal of ensuring equal access to justice.

We look forward to continuing our work in the coming year to fulfill our broad mission, including developing recommendations to improve the efficiency and effectiveness of the delivery of civil legal services.

Respectfully submitted,

A handwritten signature in blue ink that reads "Helaine M. Barnett".

Helaine M. Barnett  
*Chair*, Task Force to Expand Access to  
Civil Legal Services in New York

# TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

---

Helaine M. Barnett, *Chair*  
President, Legal Services Corporation (2004–2009)

Hon. Rolando T. Acosta  
Associate Justice  
Appellate Division, First Department

Steven Banks  
Attorney-in-Chief, The Legal Aid Society

Carmen Beauchamp Ciparick  
*(Former Associate Judge, Court of Appeals)*  
Co-Chair, Appellate Practice Group,  
Greenberg Traurig, LLP

Robert N. Convissar  
*[Past President, Bar Association of  
Erie County]*  
Offices of Robert N. Convissar, Esq.

Mark G. Cunha  
*[Past Chair, Legal Services NYC]*  
Partner, Simpson Thacher & Bartlett LLP

Stephen M. Cutler  
General Counsel, JPMorgan Chase & Co.

Matthew Diller  
Dean, Benjamin N. Cardozo School of Law

Shelley J. Dropkin  
*[Past Chair, New York Lawyers for the  
Public Interest]* Managing Director, Deputy  
Corporate Secretary and General Counsel,  
Corporate Governance, Citigroup Inc.

Camille Siano Enders  
*[Women's Bar Association of the  
State of New York]* Town Justice for the  
Town of Duanesburg; Deputy Commis-  
sioner & Taxpayer Rights Advocate, NYS  
Department of Taxation & Finance

Anne Erickson  
President & CEO, Empire Justice Center

Barbara Finkelstein  
Chief Executive Officer,  
Legal Services of the Hudson Valley

Kevin Finnegan  
Political Director, 1199 SEIU

Alexander D. Forger  
Special Counsel,  
Milbank, Tweed, Hadley & McCloy

Emily F. Franchina  
*[Past President, Nassau County Bar Asso-  
ciation]* Partner, Franchina & Giordano PC

Michael D. Fricklas  
Executive Vice President, General Counsel  
& Secretary, Viacom Inc.

Sheila A. Gaddis  
*[Executive Director, Volunteer Legal  
Services Project of Monroe County Inc.]*  
Partner, Hiscock & Barclay LLP

Michael E. Getnick  
*[Past President, New York State  
Bar Association]* Partner, Getnick  
Livingston Atkinson & Priore, LLP

Robert J. Giuffra, Jr.  
Partner, Sullivan & Cromwell LLP

Taa Grays  
*[Past President, Network of Bar Leaders]*  
Assistant General Counsel &  
Chief of Staff, MetLife

Denise Kronstadt  
Deputy Executive Director/Director of  
Advocacy, The Fund for Modern Courts

Hon. George H. Lowe  
*[Co-Chair, NYSBA President's  
Committee on Access to Justice]*  
Of Counsel, Bond Schoeneck & King PLLC

Hon. E. Leo Milonas  
Partner, Pillsbury Winthrop Shaw  
Pittman LLP

Lillian M. Moy  
Executive Director, Legal Aid Society of  
Northeastern NY

Christopher O'Malley  
Executive Director,  
The IOLA Fund of the State of New York

Herbert Pardes, MD  
Executive Vice Chair, Board of Trustees,  
New York-Presbyterian Hospital, The  
University Hospital of Columbia and Cornell

Bettina B. Plevan  
Partner, Proskauer Rose LLP

Robert C. Sheehan  
*[Former Vice President, New York City Bar]*  
Of Counsel, Skadden, Arps, Slate,  
Meagher & Flom LLP

Lorie Slutsky  
President, The New York Community Trust

Deborah L. Wright  
United Auto Workers, President, Local 2325

## EX OFFICIO

Hon. Fern Fisher  
Director, NYS Courts Access to Justice  
Program; Deputy Chief Administrative  
Judge for New York City Courts

Senator John Bonacic  
Chair, Senate Judiciary Committee

Assemblymember  
Helene E. Weinstein  
Chair, Assembly Judiciary Committee

## COUNSEL

Jessica Klein  
Special Counsel & Head of *Pro Bono*  
Practice, Sullivan & Cromwell LLP

Lara Loyd  
Sullivan & Cromwell LLP

Chiansan Ma  
Sullivan & Cromwell LLP

Mary C. Mone  
Counsel to the Chief Judge

Lauren Kanfer  
Assistant Deputy Counsel to the  
Chief Judge

## SPECIAL ADVISOR

Marcia Levy  
Associate Dean of Career Services and  
Professor of Professional Development,  
Benjamin N. Cardozo School of Law

# THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK

---

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



---

NOVEMBER 2013

# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b> . . . . .	1
<b>PART A</b>	
<b>The Chief Judge’s Civil Legal Services Initiative For New York State.</b> . . . .	5
1. The Judiciary Civil Legal Services Funding Is Having An Impact. . . . .	6
2. Non-Monetary Initiatives Have Been Implemented To Bridge The Justice Gap . . . . .	8
3. The 2013 Civil Legal Services Hearings Demonstrated Continuing Unmet Need . . . . .	10
<b>PART B</b>	
<b>Findings And Recommendations For Action</b> . . . . .	17
<b>I.</b> An Additional Civil Legal Services Funding Allocation In The Judiciary Budget Is Essential To Continue To Make Progress On Bridging The Substantial Access-To-Justice Gap For Low-Income New Yorkers In Every County In New York State . . . . .	17
a. Continued Implementation Of The Multi-Year Judiciary Civil Legal Services Funding Initiative Is Necessary . . . . .	18
b. The Unmet Need For Civil Legal Assistance Is Still Substantial. . . . .	19
c. Federal Poverty Data And Unemployment Data Document High Need . . . . .	19
d. Large Numbers Of Unrepresented Litigants Still Adversely Affect The Functioning Of The Courts. . . . .	20
e. Decreased IOLA Funding Has A Continuing Adverse Impact On The Unmet Need For Civil Legal Assistance . . . . .	21
f. The Testimony Of Legal Services Clients Demonstrates The Profound Impact Of The Lack Of Legal Assistance . . . . .	21
<b>II.</b> Investing In Additional Judiciary Civil Legal Services Funding Provides Substantial Economic Benefits To New York State And A Return Of More Than Six Dollars For Every One Dollar Of Funding Based On New Data . . . . .	23
a. A New Updated NERA Analysis Documents Even Greater Economic Benefits For New York State As A Result Of Providing Civil Legal Services To Obtain Federal Benefits For Low-Income New Yorkers. . . . .	24
b. A New NERA Analysis Shows Additional Benefits For New Yorkers Resulting From Providing Civil Legal Services To Obtain Child Support And Spousal Support Payments . . . . .	25
c. A First-Time NERA Analysis Of The Benefits Obtained For Low-Income New Yorkers In Advice And Brief Services Cases Documents A Further Significant Economic Stimulus For New York State. . . . .	25
<b>III.</b> The 15 Law Schools In New York State Can And Should Continue The Progress That Is Being Made In Enlisting Law Schools And Law Students In The Multi-Faceted Effort To Bridge The Access-To-Justice Gap For Low-Income New Yorkers . . . . .	27
1. The Annual Law School Conference Should Continue To Be Convened . . . . .	28

2.	The Statewide Law School Access-to-Justice Council Should Continue Its Work. . . . .	28
3.	Efforts To Enhance Implementation Of The 50-Hour Pro Bono Bar Admission Rule Should Continue . . . . .	28
4.	Efforts Can And Should Be Made To Address Access To Justice In The Curriculum Offerings In New York Law Schools. . . . .	28
a.	Additional Training In Skills And Values. . . . .	29
b.	Access-To-Justice Curriculum. . . . .	29
c.	Assessing The Third Year Of Law School. . . . .	29
5.	Successful Post-Graduate Law School Programs Can Be Expanded And New Models Should Be Explored. . . . .	29
a.	Examples Worthy Of Replication By Law Schools . . . . .	29
b.	Develop A Reporting Mechanism To Track Experiences of Post-Graduate Program Participants . . . . .	30
6.	Bar Examination Content And Scheduling Should Be Addressed To Promote Access-To-Justice Efforts . . . . .	30
a.	Questions Addressing Access To Justice And Skills . . . . .	30
b.	Bar Examination Timing. . . . .	30
c.	Expedited Admission To The Bar . . . . .	30
7.	Develop A Template To Guide Mobilization Of Civil Legal Services To Deal With Disaster-Related Emergencies . . . . .	30
8.	Effective Use Of Technology To Help Bridge The Justice Gap . . . . .	31
9.	Use Of Non-Lawyer Advocates To Help Bridge The Gap . . . . .	31
<b>IV.</b>	Effective Technology Initiatives Can Increase Access To Justice And Further Leverage Resources For Civil Legal Assistance For Low-Income New Yorkers. . . . .	32
a.	Free Technology Resources Can Help Increase Access To Justice. . . . .	32
b.	Areas Of Pressing Need Identified By The Task Force’s Survey Should Be Addressed . . . . .	32
1.	Technology Staffing Is Needed . . . . .	32
2.	Technology Policies Should Be Developed . . . . .	33
3.	Core Technology Supports For Legal Services Providers Are Needed . . . . .	33
4.	Community Resources Can Provide Further Support for Providers. . . . .	34
5.	Training Is Needed . . . . .	35
6.	Social Media Needs Further Development . . . . .	35
c.	Pro Bono Technology Assistance From Private Law Firms Can Help Increase Access And Address The Needs Identified In The Task Force’s Survey . . . . .	36
<b>V.</b>	Utilization Of Online Conflict Resolution In Appropriate Cases May Help Bridge The Justice Gap . . . . .	36
<b>ENDNOTES</b>	. . . . .	39

**APPENDICES . . . . . VOLUME 2**

- Appendix 1:** Acknowledgment of Law Firms That Provided Pro Bono Assistance to the Task Force
- Appendix 2:** Requests for Proposals from Oversight Board for 2013-2014
- Appendix 3:** Notification of the Issuance of the Requests for Proposals
- Appendix 4:** Grants Awarded by the Oversight Board for Judicial Civil Legal Services Funds in New York for 2013-2014
- Appendix 5:** Public Notice of the Chief Judge’s Hearings Published on the Unified Court System’s Website
- Appendix 6:** Witness Lists for the Chief Judge’s Four Hearings
- Appendix 7:** Transcript of the Third Department Hearing Held on September 17, 2013
- Appendix 8:** Transcript of the First Department Hearing Held on September 19, 2013
- Appendix 9:** Transcript of the Second Department Hearing Held on October 1, 2013
- Appendix 10:** Transcript of the Fourth Department Hearing Held on October 3, 2013
- Appendix 11:** Written Statements Submitted at the Third Department Hearing Held on September 17, 2013
- Appendix 12:** Written Statements Submitted at the First Department Hearing Held on September 19, 2013
- Appendix 13:** Written Statements Submitted at the Second Department Hearing Held on October 1, 2013
- Appendix 14:** Written Statements Submitted at the Fourth Department Hearing Held on October 3, 2013
- Appendix 15:** Report of the Task Force’s Working Group on Law School Involvement
- Appendix 16:** Report of the Task Force’s Working Group on Technology
- Appendix 17:** Report of the Task Force’s Working Group on Alternative Dispute Resolution

**NOTE: Appendices can be viewed on the Task Force’s website, <http://www.nycourts.gov/ip/access-civil-legal-services>**

## EXECUTIVE SUMMARY

# The Continuing Urgent Need To Bridge The Access-To-Justice Gap In New York State

**I**N THIS FOURTH REPORT of Chief Judge Jonathan Lippman’s Task Force to Expand Access to Civil Legal Services, we document the continuing urgent need to take action to bridge the large access-to-justice gap for low-income children and adults throughout New York State.

The Chief Judge’s annual civil legal services hearings in each Judicial Department have demonstrated that the assistance of a lawyer can profoundly change the lives of low-income New Yorkers. Thanks to such help, countless families and individuals have been able to remain in their homes, to escape from domestic violence, to stabilize their families, to maintain or obtain subsistence income, or to secure access to health care or an education—truly the most basic essentials of life.

On the plus side of the ledger, the Task Force takes stock of the significant accomplishments to expand access to civil legal aid over the past three years.<sup>1</sup> Tragically, however, over the past year, the need for civil legal assistance for low-income New Yorkers has grown in the aftermath of the devastation of Superstorm Sandy, the upstate storms, and the lingering aftereffects of Hurricane Irene. For many New Yorkers, the help of a lawyer has been critical to helping survivors recover and to obtain essential assistance.

In this Report, we make recommendations for action in the coming year to continue to address the unacceptable access-to-justice gap in our State.

**The Task Force To Expand Access To Civil Legal Services And The Joint Resolution Of The Legislature:** Appointed by the Chief Judge and led by Helaine M. Barnett, the former President of the federal Legal Services Corporation, the Task Force includes representatives of the Judiciary, the business community, government, private law firms, bar associations, civil legal services and pro bono legal assistance providers, law schools, and civil legal services funders.<sup>2</sup>

In 2010, pursuant to a joint resolution of the New York State Senate and Assembly, the Legislature requested that the Chief Judge submit an annual report to the Governor and the Legislature, with recommendations to address gaps in available resources to meet the need for civil legal services in the State of New York.<sup>3</sup>

The Chief Judge has charged this Task Force with working with him to organize annual hearings in each of the four Judicial Departments of New York State to assess the unmet need for civil legal assistance in all areas of our State, and with preparing this Annual Report on the access-to-justice gap, with recommendations for action to try to narrow it.

**The Crisis Of The Unrepresented:** In 2010, 2011, and 2012, the Task Force reported that 1.2 million low-income New Yorkers living at or below 200 percent of the federal poverty level (\$47,100 in annual income for a family of four in 2013) had multiple civil legal problems involving essential needs and

were forced to navigate the State’s legal system without a lawyer.<sup>4</sup> Even now, at best, 20 percent of low-income New Yorkers have a lawyer to assist them in responding to matters involving life’s most basic necessities, such as food, shelter, clothing, health care, subsistence income, education, and family safety and stability.<sup>5</sup> As a result, Office of Court Administration data shows that some 2.3 million litigants in civil matters in courts in every region of New York State are unrepresented, and most of these unrepresented New Yorkers are low-income families and individuals.<sup>6</sup>

This access-to-justice gap continues to widen because of the dramatic decline in revenue available from the Interest on Lawyers Account Fund of New York State (IOLA), which funds civil legal assistance for low-income New Yorkers. As a result of the decline in interest rates due to the economic environment during the past six years, annual IOLA revenue available for civil legal services providers has plummeted from \$32 million annually in 2008 to only \$7 million over the past year.<sup>7</sup>

The Task Force has documented that when New Yorkers appear in civil matters in court without representation, litigation and other costs are higher and the opportunity to resolve disputes without litigation or to settle cases expeditiously is lost. Likewise, as front-line Judges have observed, when substantial numbers of unrepresented New Yorkers appear in court, the overall quality of justice for *all* litigants suffers, because resources must be diverted to try to assist unrepresented parties.

**Recommendations For Civil Legal Services Funding To Address The Crisis In The Coming Year:** In the prior 2010, 2011, and 2012 Reports, the Task Force proposed a multi-year program for civil legal services funding allocations in the annual Judiciary budget to try to begin to bridge the access-to-justice gap.

Based on the recommendations of the Task Force, the Chief Judge has increased available funding for civil legal aid by allocating \$55 million in annual funding in the Judiciary budget. This Judiciary funding consists of \$40 million in direct Judiciary Civil Legal Services grants awarded through a competitive bidding process to civil legal services providers serving low-income families and individuals in every county in New York State, and \$15 million in funding to rescue and stabilize the IOLA Fund. As a result of the Judiciary Civil Legal Services grants, last year 267,965 low-income New Yorkers received direct civil legal assistance. Legal services organizations reported to the Task Force that these services could not have been provided without the Judiciary Civil Legal Services funding.

Even so—particularly given the impact of Sandy, Irene and the upstate storms—there remains a substantial justice gap for less fortunate New Yorkers. To continue to try to bridge this justice gap, the Task Force recommends the continued implementation of the Chief Judge’s multi-year civil legal services funding initiative, specifically by increasing the annual allocation for the Judiciary Civil Legal Services funding from \$40 million to \$55 million and maintaining the special \$15 million allocation to stabilize the IOLA Fund. Without this level of funding, New York State will be unable to continue making progress in bridging the justice gap and remedying the crisis of the unrepresented in our courts.

As in our 2010, 2011 and 2012 Reports, the Task Force again recommends that this Judiciary Civil Legal Services funding continue to: (1) prioritize civil legal assistance in the core “essentials of life”—housing, family matters, access to health care and education, and subsistence income; (2) emphasize that the provision of preventive legal assistance can avert or reduce the need for litigation; (3) target assistance for New Yorkers living at or below 200 percent of the federal poverty level in all counties of the State; (4) recognize the need for a seasoned, well-trained civil legal services staff able to provide

comprehensive service in often complex, interrelated legal matters; (5) distribute funds according to the number of low-income New Yorkers in each county; and (6) award funds pursuant to a competitive bidding Request for Proposals (RFP) process under the auspices of a Judiciary Civil Legal Services Oversight Board consisting of the Hon. A. Gail Prudenti as Chief Administrative Judge of the Courts, Helaine M. Barnett as Chair of the Task Force, and Benito Romano as Chair of the IOLA Board.

**Judiciary Civil Legal Services Funding Returns More Than Six Dollars To The New York State Economy For Every Dollar Invested:** Beyond meeting the critical “essentials of life” needs for low-income New Yorkers, nationally recognized experts, commissioned by the Task Force on a *pro bono* basis over the past three years, have determined that investing in civil legal services provides substantial economic benefits to our State—specifically, more than six dollars for every one dollar of funding for civil legal services.

For example, using conservative estimates, the 2011 Task Force Report established that investing in civil legal services to prevent domestic violence in New York State can achieve \$85 million in annual savings in the costs that otherwise would be incurred to assist survivors of domestic violence.<sup>8</sup> Likewise, the 2011 Report documented that anti-eviction legal services programs funded by IOLA have saved approximately \$116 million annually in averted shelter costs for government.<sup>9</sup>

As shown in this Report, NERA Economic Consulting conducted three new evaluations this year on a *pro bono* basis and found that:

**First:** Based on new 2012 data, civil legal assistance has allowed low-income New Yorkers to receive \$457.7 million in federal benefits (such as Social Security Disability, Supplemental Security Income, federal unemployment, Medicaid and Medicare, Veterans disability, and unearned income tax credit benefits)—an \$80 million increase over 2011.

- Taking into account the recognized economic multiplier effect of this flow of federal funds to New York State, civil legal aid for low-income New Yorkers through 2012 resulted in \$679 million in economic stimulus, compared with \$561 million for cases closed through 2011—more than a 20 percent increase over the prior year.
- This economic activity resulting from the provision of civil legal services generated 6,776 jobs—up from 5,600 in the prior year.
- If these economic multiplier effects remain stable, the inflow of funds in 2012, together with future value created, will generate more than \$1.5 billion in economic benefits for our State, and help reduce the current net outflow of taxes paid by New Yorkers to the federal government.

**Second:** Assessing the value created by providing legal assistance to obtain child and spousal support—a category of civil legal services not measured or reported in prior Task Force Reports—establishes an even higher overall rate of return on investment in civil legal services because the provision of legal representation to assist low-income New Yorkers to secure child and spousal support generated at least \$5.1 million in additional benefits.

**Third:** Assessing the value created by the provision of advice and brief legal services—another category of civil legal services not measured or reported in prior Task Force Reports—establishes a further increased rate of return on investment in civil legal services because advice and brief

legal services, provided either in person or by phone, to assist in securing Social Security Disability benefits, Supplemental Security Income benefits, Medicaid benefits, and child and spousal support generated \$53.7 million in additional benefits to low-income New Yorkers.

**Recommendations For Non-Monetary Action To Help Bridge The Justice Gap And Mitigate The Need For Funding Above The Recommended Level:** In the 2010, 2011, and 2012 Reports, the Task Force has recommended non-monetary actions to help expand access to civil legal help.

This Report documents the achievements of these non-monetary initiatives over the past three years, including: (1) the extraordinary *pro bono* work of the private bar; (2) groundbreaking law school and law student involvement efforts; (3) the improvement of the Office of Court Administration’s website and the simplification of court forms; (4) the non-lawyer assistance initiative; (5) efforts to enhance training and support resources for the Town and Village Courts for summary proceedings in which many unrepresented low-income litigants appear; (6) proposed revisions to the Code of Judicial Conduct addressing matters involving unrepresented litigants; (7) the development of alternative conflict resolution procedures; and (8) the establishment of a Council for the New York State Courts to, *inter alia*, promote civil legal services initiatives.

For the coming year, the Task Force also recommends additional non-monetary initiatives to close the access-to-justice gap and increase access by:

- Expanding law school and law student involvement efforts;
- Increasing access to technology for civil legal services providers to enhance services and, in turn, to increase access to justice for low-income families and individuals; and
- Evaluating the use of online dispute resolution services on a voluntary basis for unrepresented litigants in a pilot program for consumer credit matters.

In this Report, in support of its 2013 monetary and non-monetary recommendations, the Task Force presents the following:

- a summary of what has been accomplished with Judiciary Civil Legal Services funding so far;
- an overview of the non-monetary civil legal services initiatives implemented over the past three years;
- evidence demonstrating the continuing unmet need for civil legal services in each region of New York State—rural, urban, and suburban—as presented at the Chief Judge’s hearings in each Judicial Department of the State;
- an updated analysis of the economic benefits to New York State resulting from investing in civil legal aid;
- recommendations for expanding law school and law student involvement efforts;
- recommendations to increase access to technology; and
- recommendations to evaluate use of online dispute resolution services in a voluntary pilot program.

## PART A

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

**WITH THESE WORDS**, the Chief Judge launched the New York State civil legal services initiative on Law Day in 2010:

No issue is more fundamental to our constitutional mandate of providing equal justice under law than ensuring adequate legal representation. . . . [T]o meet our constitutional and ethical mandates, the Judiciary of this State is determined to bring us closer to the ideal of equal access to civil justice. . . . [I]t is my fervent hope . . . that it will 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>10</sup>

The Chief Judge's initiative has been recognized as a national model and template for action.<sup>11</sup> Through the establishment of this Task Force, annual hearings in each Judicial Department of New York State on the unmet need for civil legal help for low-income families and individuals, the submission of the annual Task Force Report to the Governor and Legislature with recommendations for monetary and non-monetary initiatives, and a diverse series of related civil legal services efforts, the Chief Judge's civil legal services initiative has made substantial progress to address the need for civil legal aid. But so much more needs to be done to bridge the continuing significant access-to-justice gap in New York State.

Reflecting on this context at this year's civil legal services hearing in the Fourth Department on October 3, 2013, the Chief Judge said:

Let me start by saying that this is the fourth year of our hearings on civil legal services. We hold hearings in each of the four [J]udicial [D]epartments each year. And what this is about is the leadership of the Judiciary and the profession coming together to try to understand the extent of the justice gap in our [S]tate, that is the gap between the finite legal resources available and the tremendous need for legal services in our [S]tate. . . .

[T]hese hearings come out of a crisis in civil legal services in our [S]tate and in our country. There are people fighting for the necessities of life, the roof over their head, their physical safety, the well-being of their families, their livelihoods, and [they] just cannot obtain the legal services that they need. At best, in New York State, we're meeting 20 percent of the civil legal service needs of our people, and in a bad economy the situation becomes even worse when so many people are going to fall off the cliff literally if they don't get legal help. . . .

All of this is to promote access to justice. Access to justice is so critical to what we do. Everyone deserves their day in court. That is what this is all about, and every society is judged by how it treats its most vulnerable citizens, and we should be judged by that, and that is why it is so important that we all work with all of our energy to close this justice gap.<sup>12</sup>

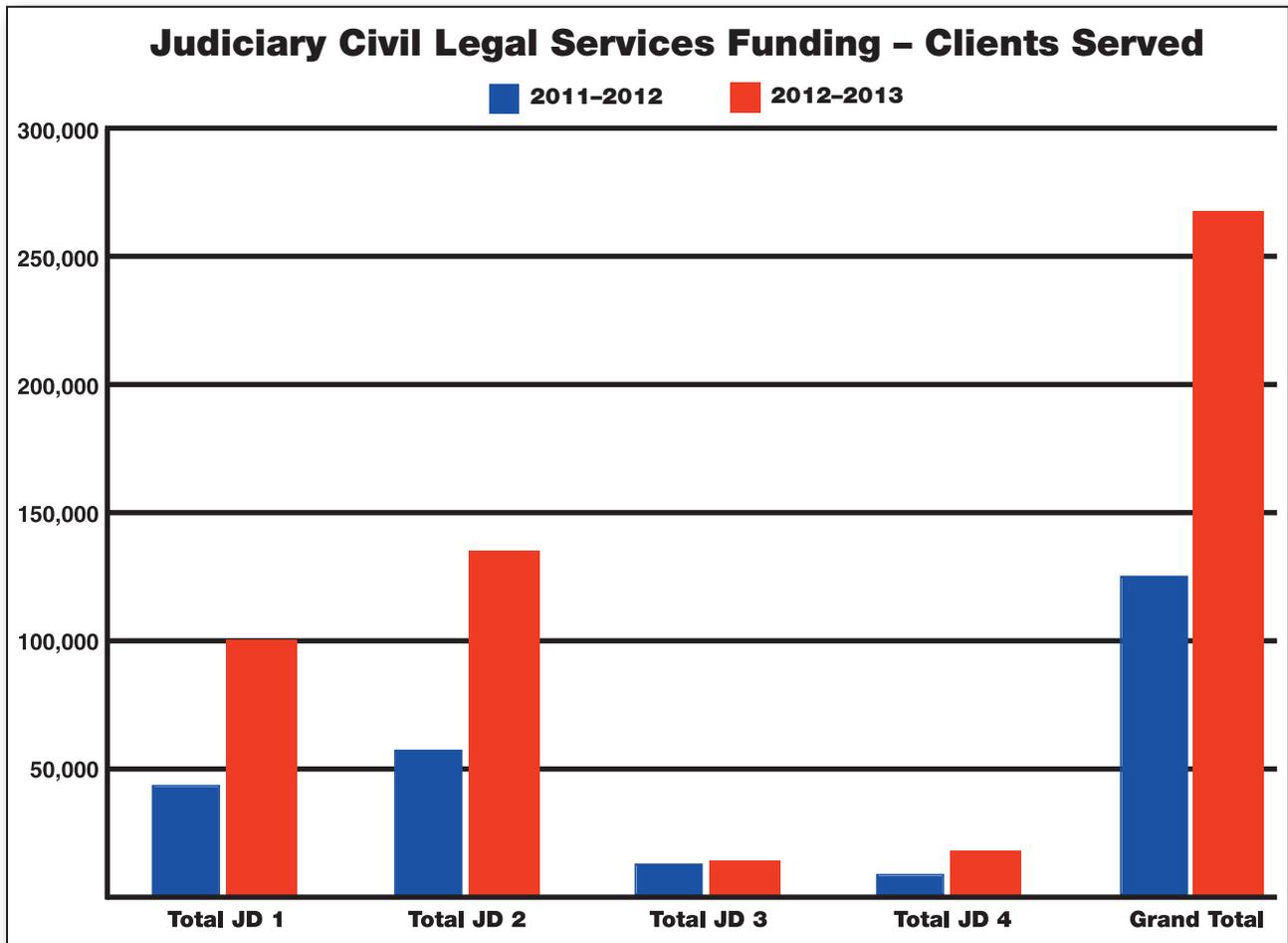
## 1. The Judiciary Civil Legal Services Funding Is Having An Impact

**For the Fiscal Year 2013-2014**, the Judiciary Civil Legal Services Oversight Board allocated a total of \$40 million in annual Judiciary Civil Legal Services grants to a total of 69 civil legal services providers serving low-income New Yorkers in every county in the State.<sup>13</sup> Of that total, \$25 million was distributed through renewals or amendments of contracts entered into pursuant to the 2012-2013 Request for Proposals (RFP), and \$15 million was distributed pursuant to a new RFP for 2013-2014. The Oversight Board has informed the Task Force that it received and considered 75 proposals for the \$15 million in new 2013-2014 funding, decided which to fund, and determined the allocations. The \$40 million in total grants ranged in size from \$15,082 to \$4.7 million.<sup>14</sup>

The Oversight Board also informed the Task Force that, in accordance with the priorities articulated by the Chief Judge and recommended in the Task Force’s 2010, 2011, and 2012 Reports, the Oversight Board’s grant 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). The Oversight Board further advised the Task Force that it treated as a priority the provision of preventive and early-intervention legal assistance, including expanded community legal education initiatives, as part of the array of client services that are needed. As recommended by the Task Force, the Oversight Board allocated the new funding throughout the State—in rural, suburban, and urban areas—in accordance with the distribution of persons living at or below 200 percent of the federal poverty level in each of the four Judicial Departments.

Data collected by the Office of Court Administration shows that the increased civil legal services funding allocated by the Chief Judge in the Judiciary’s annual budget has resulted in increasing numbers of low-income New Yorkers being served with those funds. The number of low-income New Yorkers served through the Judiciary Civil Legal Services program across New York State increased from 125,169 in 2011-2012 to 267,965 in 2012-2013. This statewide increase is presented in the table and chart below, which shows that the largest increase in persons who benefited was in the Second Judicial Department, where communities impacted by Superstorm Sandy were in desperate need of the enhanced assistance made possible by the Judiciary Civil Legal Services funding.

<b>Judiciary Civil Legal Services Funding</b>		
<b>Clients Served</b>		
	<b>2011 – 2012</b>	<b>2012 – 2013</b>
<b>Total JD 1</b>	<b>44,402</b>	<b>99,778</b>
<b>Total JD 2</b>	<b>57,975</b>	<b>135,387</b>
<b>Total JD 3</b>	<b>12,731</b>	<b>14,206</b>
<b>Total JD 4</b>	<b>10,061</b>	<b>18,594</b>
<b>GRAND TOTAL</b>	<b>125,169</b>	<b>267,965</b>



These statistics represent tens of thousands of lives changed by civil legal aid to provide access to the “essentials of life” for low-income children and adults. As Deputy Chief Administrative Judge for the New York City Courts and Director of the New York State Courts Access to Justice Program Fern Fisher testified at the Chief Judge’s First Department hearing on September 19, 2013:

Allow me to put some faces to the numbers with just three examples. Those assisted [with increased Judiciary Civil Legal Services funding] included Mrs. [T-D], a home-bound wheelchair-bound woman with multiple physical disabilities who obtained badly needed food stamps after Superstorm Sandy. She was unable to apply for the benefits due to her disabilities without the assistance of The Legal Aid Society. A federal case has been filed on her behalf and those with similar situations. . . . Law students at [Touro] Law School secured a divorce for a terminally ill woman who was married to a level four sex offender and wanted to be free before she died. Mr. X, a father of three and the sole wage earner of the family, whose bank account was restrained due to a default judgment in a consumer case, received assistance from the Legal Aid Society of [N]ortheastern New York. Due to the assistance received, \$18,000 in funds were released by the bank.<sup>15</sup>

Likewise, at the Chief Judge’s Fourth Department hearing on October 3, 2013, Deputy Chief Administrative Judge for the Courts Outside New York City Michael V. Coccoma testified that:

Additional funding to [Legal Assistance of Western New York, Inc. (LawNY)] has permitted the hiring of full-time attorneys to supervise *pro bono* programs, and also to assist in tackling the increasing number of uncontested matrimonials. This agency services 14 [rural] counties, but it only has offices located in six of those counties.

The Rural Law Center . . . reports to me that this Judiciary funding has enabled their agency to provide more services to families. And by way of example . . . their agency was providing assistance to a woman in a rural county who was purchasing her home on a land contract. Having completed all the payments, she was having difficulty in obtaining a deed from the record title owner. But through agency cooperation . . . the Rural Law Center and LawNY . . . located the landlord [out of state] and . . . are [currently] working on a successful outcome in securing a deed for their client. This is an example of how the sharing of resources and the collaboration between agencies has helped families in rural counties.

And while it remains a challenge to provide legal services to rural counties, especially with the lack of public or other transportation, this funding has at least provided a breakthrough. Some providers have utilized their funding to hire staff and attorneys to train and coordinate *pro bono* programs with local Bars in the rural counties. For example, [using this funding,] LawNY staff coordinates the efforts of *pro bono* attorneys in Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates Count[ies].<sup>16</sup>

## 2. Non-Monetary Initiatives Have Been Implemented To Bridge The Justice Gap

**In its 2010, 2011, and 2012 Reports**, the Task Force proposed a series of non-monetary recommendations that have been implemented in conjunction with the Chief Judge's own civil legal services initiatives. All of these non-monetary initiatives have been aimed at expanding access to justice for low-income New Yorkers and mitigating the need for even greater levels of Judiciary funding than the Chief Judge has proposed for the multi-year Judiciary Civil Legal Services funding effort. Many of these non-monetary initiatives could not have been accomplished without partnerships among the Judiciary, the private bar, and the 15 New York law schools. The key non-monetary efforts that have been implemented since the Task Force's first Report in 2010 include:

- Establishing an annual Law School Conference and a Statewide Law School Access to Justice Council for the 15 New York law schools in order to promote civil legal services and access-to-justice involvement by law schools and law students;<sup>17</sup>
- Increasing the recommended annual number of *pro bono* service hours for New York lawyers from 20 to 50 by amending the New York Rule of Professional Conduct 6.1 and implementing a new rule requiring reporting of *pro bono* activities and financial support for civil legal aid as part of biennial attorney registration;<sup>18</sup>
- Proposing a revision to the Code of Judicial Conduct regarding the role of Judges in dealing with unrepresented litigants that the Office of Court Administration promulgated for comment and which is under consideration;<sup>19</sup>
- Recommending consideration of a revised practice rule to encourage *pro bono* work by registered in-house counsel, which is now in the process of being implemented;<sup>20</sup>
- Assisting with an award-winning overhaul of the Office of Court Administration's website to make information about the court system, court procedures, and court forms more accessible;<sup>21</sup>
- Implementing a process to create uniform simplified forms for Statewide use in landlord/tenant,

consumer debt, foreclosure, and child support matters, which has already resulted in the approval of the following new uniform statewide forms: a landlord/tenant non-payment answer form; a consumer debt answer form; a foreclosure preliminary conference order form; and a child support modification form;<sup>22</sup>

- Enhancing training for Town and Village Court Justices and Clerks regarding summary proceedings, which typically involve unrepresented low-income tenants, including: distribution of a reference guide for landlord/tenant cases prepared by the Task Force; an agreement to promulgate the Legal Assistance of Western New York *Justice Court Manual on Summary Eviction Proceedings* on a statewide basis; and a new initiative by the Magistrates Association and the Fund for Modern Courts to enhance training in conjunction with the efforts of the Office of Court Administration and a Suffolk County District Court Judge;<sup>23</sup>
- Convening an advisory committee to consider the contributions that non-lawyers can make to bridge the justice gap;<sup>24</sup>
- Expanding the availability of alternative conflict resolution through a recommendation that resulted in the Office of Court Administration's ongoing efforts to identify more individuals who qualify to serve as mediators and publication of detailed online information for litigants and practitioners about alternative dispute resolution options available through both court-based and other programs;<sup>25</sup> and
- Establishing a Council for the New York State Courts consisting of representatives of the private sector (such as business leaders, prominent New Yorkers, leaders of the bar, former public officials, and former members of the Judiciary) to enhance and maintain the leading position of the New York State Courts and, inter alia, support the Chief Judge's initiatives to increase public and private support for civil legal services.

In conjunction with the implementation of these specific Task Force non-monetary recommendations, the Task Force also provided support for two additional major non-monetary access-to-justice initiatives announced by the Chief Judge:

- Implementation of a first-in-the-nation 50-hour *pro bono* service requirement for law graduates seeking admission to the New York bar;<sup>26</sup> and
- Implementation of a groundbreaking Attorney Emeritus program to encourage transitioning and retired attorneys to provide legal assistance to low-income New Yorkers.<sup>27</sup>

Moreover, even before the completion of this Report, a new non-monetary collaborative initiative to expand civil legal assistance in rural areas through an innovative *pro bono* program has been developed as a result of testimony at the Chief Judge's Fourth Department civil legal services hearing in Buffalo on October 3, 2013, which focused on the unmet needs of low-income New Yorkers in rural counties.

In this new initiative, *pro bono* attorneys working through the New York City Family Court will be remotely linked by computer access to litigants in other parts of the State, beginning with Ontario County and Onondaga County, thereby bringing the resources of urban law firms and corporations to less populated rural counties. In the participating counties, unrepresented litigants will consult with a Court Attorney in the Family Court, who, along with a Court Attorney in the Family Court in New York City, will conduct case intake and coordinate videoconferencing for the designated *pro bono* attorney. On-

tario County has created an additional program that will allow litigants in the Ontario County Family Court to receive advice and counsel from attorneys in both Monroe County and Ontario County, who cannot otherwise travel to the courthouse because of the distance, by using similar computer-based technology in their law offices or at the Rochester Court Help Center in Monroe County.

This new project is led by the Fund for Modern Courts and Probono.net in cooperation with the Office of Court Administration and its Access to Justice program; Administrative and Family Court Judges across the State; the Volunteer Legal Services Project of Monroe County and the Ontario County Bar Association, which are partnering to serve Ontario County; the new Family Court Clinic of the Volunteer Lawyers Project in Onondaga County; Family Court Attorneys and the Family Court's technology staff; and more than 36 New York City law firms and corporate counsel recruited through the *pro bono* program at Greenberg Traurig LLP.<sup>28</sup>

### **3. The 2013 Civil Legal Services Hearings Demonstrated Continuing Unmet Need**

**Following the posting of public notice** on the Office of Court Administration's website,<sup>29</sup> the Chief Judge conducted the annual civil legal services hearings in each Judicial Department: on September 17, 2013 in the Third Department (Albany); on September 19, 2013 in the First Department (Manhattan); on October 1, 2013 in the Second Department (Queens); and on October 3, 2013 in the Fourth Department (Buffalo).<sup>30</sup>

Joining the Chief Judge in conducting these four hearings were Chief Administrative Judge A. Gail Prudenti or First Deputy Chief Administrative Judge Lawrence K. Marks and the Presiding Justice of the Department in which each hearing was held: Presiding Justice Luis A. Gonzalez in the First Department, Presiding Justice Randall T. Eng in the Second Department, Presiding Justice Karen K. Peters in the Third Department, and Presiding Justice Henry J. Scudder in the Fourth Department. Each panel also included a leader of the New York State Bar Association: President David M. Schraver, President-elect Glenn Lau-Kee, or former President Vincent E. Doyle III.

For the 2013 hearings, 49 witnesses presented both oral and written testimony and 12 submitted written testimony. The 2013 hearing testimony—both oral and written—builds on extensive hearing evidence from the 2010, 2011, and 2012 hearings in each Judicial Department. At these prior hearings, business leaders, private and public residential property owners, bankers, local government officials, District Attorneys, labor leaders, medical providers, educators, providers of domestic violence prevention services, religious leaders, Judges, and clients all provided evidence of the need for Judiciary Civil Legal Services funding to bridge the access-to-justice gap for low-income families and individuals in every part of New York State.

For example, at the First Department hearing in 2012, Timothy Cardinal Dolan, Archbishop of New York, was the opening witness.<sup>31</sup> New York State Attorney General Eric Schneiderman, City Council Speaker Christine Quinn, Kings County District Attorney Charles Hynes, and Nassau County District Attorney Kathleen Rice have also testified at prior hearings.<sup>32</sup>

In 2010, 2011, and 2012, in addition to leaders of State and local government and the Judiciary, hearing witnesses have included business leaders such as: Kathryn S. Wylde (President and CEO of the Part-

nership for New York City); Michael S. Helfer (former General Counsel of Citigroup); Michael P. Smith (President and CEO of the New York State Bankers Association); Joseph Strasburg (President of the Rent Stabilization Association); Kenneth E. Raske (President and CEO of the Greater New York Hospital Association); Steven T. Longo (Executive Director of the Albany Housing Authority); Buckmaster de Wolf (General Counsel of GE Global Research); William Savino (Board Member of the Long Island Association and Managing Partner of Rivkin Radler LLP); Donna Cirolia (Vice-President of Coca-Cola Refreshments); Craig L. Reicher (Vice-Chairman of CB Richard Ellis); Deborah C. Wright (Chairman and CEO of Carver Federal Savings Bank); and James J. Barba (President and CEO of Albany Medical Center).<sup>33</sup>

At the 2013 hearings, leading New Yorkers provided new evidence of the urgent need for additional resources to bridge the justice gap in each Judicial Department.

**The State Comptroller Described The Economic Benefits To New York State Resulting From Civil Legal Services Funding:** New York State Comptroller Thomas P. DiNapoli was the lead witness at the Chief Judge’s first 2013 civil legal services hearing, held in the Third Department. The Comptroller focused on the economic benefit to New York of providing civil legal assistance and referenced economic impact data in the Task Force’s 2012 Report:

The evidence of the monetary return to the [S]tate [on] investment in legal services is plentiful. The United States Department of Commerce estimates that every dollar brought into the New York economy generates a multiplier effect of 1.48. Civil legal services help generate badly-needed [Supplemental Security Income] and other benefits. When these dollars come into the State low-income families and individuals use the money to purchase necessities like food, rent and clothing. These expenditures in turn support local businesses at the same time they assist those in need. NERA Economic Consulting analyzed 2011 data provided by the New York State Interest on Lawyer Account Fund and estimates that, in terms of benefits won, the total flow of funds brought into New York in 2011 alone is \$378 million. Expected future benefits may raise that figure by many additional millions of dollars. This figure includes federal funds brought into the State in the form of direct federal benefits for individual clients, such as SSI, Supplemental Security Income; SSD, Social Security Disability Insurance; Medicaid, unemployment compensation, earned income tax credits and veterans benefits, much of which represents a return of our fair share of the federal taxes that we pay. Using the Department of [Commerce] multiplier NERA concluded that the benefits received in 2011 yielded an overall positive impact on the [S]tate economy of \$561 million.<sup>34</sup>

More generally, the Comptroller observed:

Why [is it] important to fund civil legal services? The reality is—and the Chief Judge certainly framed the discussion partly a few moments ago—a vast number of New Yorkers cannot afford a lawyer. And without a lawyer they cannot adequately navigate legal problems involving some very fundamental needs we often take for granted, including housing, family stability and personal safety in domestic relations, access to health care or education, or subsistence income and benefits. Who are the people who need lawyers? Well, they are our neighbors. They’re victims of natural disasters like Superstorm Sandy and Hurricane Irene who are trying to rebuild their homes. They’re veterans, many of whom are disabled, returning to us from honorable service in Iraq and Afghanistan, trying to rebuild their lives. They’re workers in urban, suburban and rural communities, many of whom earn not much more than minimum wage and need lawyers to represent them in their daily struggles. And those who are unemployed need lawyers just as much as anyone else. . . .

Providing civil legal services can help prevent the downstream societal and financial impacts that stem from problems such as domestic violence and homelessness. For example, representation in domestic violence matters can cut down on the costs associated with lost work days, hospitalization, treatment by physicians, emergency room visits, ambulance and paramedic services, physical therapy, and mental health treatment.<sup>35</sup>

At the First Department hearing, echoing the Comptroller’s testimony, Dr. Betsy Becker of NERA Consulting presented new data showing an even greater economic benefit to New York State resulting from the provision of civil legal services.<sup>36</sup>

**The New York State Regents Chancellor Highlighted The Impact On Education Resulting From Lack Of Access To Civil Legal Services:** Merryl Tisch, Chancellor of the New York State Board of Regents, provided illuminating new testimony emphasizing that the lack of civil legal assistance to address legal problems involving the essentials of life can adversely affect the education of children. She observed that “[f]rom an educator’s perspective, I can tell you that the consequences of the unmet civil legal needs of New York’s families are far-reaching and devastating for our students.”<sup>37</sup> She further testified that:

. . . [w]e need to make sure that all students and their parents or caregivers are able to fully engage in and benefit from their educational experience—including those whose families are facing eviction or foreclosure, those who lack access to needed health services, and those whose families struggle with domestic violence and addiction—all of whom could be helped with the provision of legal services.

We in the education field understand and support your initiative and the work of the Task Force to ensure that the civil legal needs of New Yorkers are met. We understand that, without the “essentials of life,” our most vulnerable students and families cannot take full advantage of the educational opportunities we as State leaders know are so important to their future and the future of this nation.

As Regents, my colleagues and I often visit schools and students across the State. We know that students deal with issues such as poverty, hunger, homelessness, health, and domestic violence on a daily basis. We know that these problems impact their ability to learn and, in some cases, their ability or desire to attend school [at all].<sup>38</sup>

**Local Officials And Others, Including The New York City Corporation Counsel, Testified About The Key Role For Civil Legal Services, Particularly After Superstorm Sandy:** At the Chief Judge’s 2013 hearings, a number of local officials emphasized the important role that civil legal services play in meeting basic human needs, particularly in the aftermath of emergencies like Superstorm Sandy.

At the Second Department hearing, for example, New York City Corporation Counsel Michael A. Cardozo said that he wanted to “express, on behalf of Mayor Bloomberg and myself, the City’s enormous thanks to all these legal service organizations and the volunteer attorneys who made such an extraordinary contribution in this time of crisis. It was another shining example of efforts that former Chief Judge Judith Kaye, speaking after the events of 9/11, characterized as ‘the bar’s finest hour’.”<sup>39</sup> The Corporation Counsel added:

Whether it was the man-made disaster of September 11<sup>th</sup>; the time-sensitive opportunity for immigrant children to gain status in this country; or the extreme weather events of Hurricane Irene, the earthquake in Haiti or the terrible destruction resulting from Superstorm Sandy, low-income people have been faced with the acute need for counsel and representation by attorneys, which by necessity, must be on a no-fee or low-fee basis. . . .

I cannot emphasize enough the difference that adequate funding makes in the legal work that needs to be provided to people under these circumstances. . . .<sup>40</sup>

Likewise, Scott J. Mandel, the President of the Long Beach City Council, observed that “the sense of direction that attorneys were able to impart seemed to alleviate residents’ concerns, particularly those residents who did not know how to begin to address the widespread and overwhelming destruction that they faced.”<sup>41</sup>

The Hon. Richard Schaffer, Supervisor of the Town of Babylon, noted:

In addition to the importance of legal services to individuals, it has a tremendous effect on government spending and efficiency. As a local official, I know the impact that leaving low-income individuals unrepresented has on all levels of government, as well as society. When someone does not have proper access to the legal system, their unmet needs invariably put a strain on local government and taxpayers. From housing to medical care to education, the long-term costs of an ineffective legal system can touch all aspects of a community. . . . During a large scale crisis like Sandy and its aftermath, civil legal services resources are needed to address the so-called everyday crises and the new crises facing families.<sup>42</sup>

From the perspective of a major private funder of civil legal services, Michael M. Weinstein, the Chief Program Officer at the Robin Hood Foundation, observed:

Hurricane Sandy showed us all that without the civil legal services community, much of the relief provided to impacted families would never have existed. Civil legal services form a safety net that ought to be strengthened and expanded. Increased support for these agencies is essential if those New Yorkers without resources are to be accorded equal justice under law.<sup>43</sup>

A recognized expert in seismology geography and tectonophysics (including work on disaster relief and climate change), Dr. Klaus H. Jacob, focused on the important role that civil legal services programs play in addressing natural disasters. Dr. Jacob, a Professor at the Lamont-Doherty Earth Observatory at Columbia University, emphasized that low-income families and individuals are particularly vulnerable when disasters hit and their reverberations continue to be felt into the future, including when the next disaster comes:

[It is a] well-known fact that disasters . . . amplify pre-existing social stresses, they don’t create them. They simply amplify them. Vulnerability to those extreme events correlates very strongly with income and poverty. On the other hand, resilience clearly is a function of access to resources and wealth. Now, what happened during Hurricane Sandy, those who were at a marginal livelihood were often put by this event from just barely above the poverty line [to] below the poverty line. Moreover, many of the victims of Sandy still face problems that are unresolved.<sup>44</sup>

David H.K. Nguyen, Director of the Disaster Legal Services Program at the American Bar Association’s Young Lawyers Division, explained:

Not only [are] survivors . . . seeking much-needed assistance after a disaster strikes and within the year, and often, the years following, but many have complex legal issues that will last for many years. . . . Without much-needed legal services for the low-income, not only will this vulnerable population struggle to recover but they will continue to be unprepared for future disasters.<sup>45</sup>

Reflecting on the role of the Chief Judge’s civil legal services initiative, Mark C. Poloncarz, the Erie County Executive, welcomed the Judiciary Civil Legal Services funding initiative, noting that Erie County is not in a position to take on this need.<sup>46</sup>

In sobering testimony, Catherine M. Mackay, Director at Cattaraugus County Department of the Aging/NY Connects, concluded that “I can honestly say I have never seen a greater need for legal assistance than I do today.”<sup>47</sup>

**Leaders Of Major Hospitals Focused On The Impact On Public Health And On Their Workforce Caused By The Lack Of Access To Civil Legal Services:** The leaders of two major hospitals in New York City—Wendy Z. Goldstein, President and CEO of Lutheran Health Care, and David Reich, President and Chief Operating Officer of The Mount Sinai Hospital and Horace W. Goldsmith Professor and Chair of Anesthesiology at the Icahn School of Medicine at Mount Sinai—offered compelling testimony in support of civil legal services funding both from a public health perspective and as large private employers.

Both described the adverse impact on their patients and staff resulting from the lack of available civil legal services to address housing problems, domestic violence problems, and income-support problems that affect health and the ability to work.<sup>48</sup>

Dr. Reich, for example, testified that the provision of civil legal services “avoids expensive readmissions, which are completely . . . avoidable and therefore [cost] the state more money. So once again we would argue [we are] being pennywise and pound foolish by scrimping on the legal services that would save us tens of thousands of dollars related to unnecessary medical care.”<sup>49</sup>

Dr. Goldstein added:

. . . [W]e have come across it . . . with landlords . . . not maintaining the buildings. So there is a very high incidence of mold, and dust and mites. And here we are . . . trying to educate a parent . . . that it is very important that her child with asthma be in an environment that is not exposed to all these pollutants, and yet she has no ability to impact the house that she lives in. We bring that together with the Legal Services and have been able to make a difference in that. And, you know, the whole health reform concept is this idea of prevention. Investing in prevention. The legal investment is a part of that prevention issue. It is not just accessing services once somebody is ill, but enabling patients to really take care of themselves. And part of that is their environment.<sup>50</sup>

**Business Leaders Cited The Need For Civil Legal Services:** At the 2013 hearings, business leaders again focused on the importance of the provision of civil legal services to the economic bottom line. Joseph Fruscione, Vice President and Commercial Branch Manager of M&T Bank, for example, testified that:

Legal services programs bring resources into our community that enable business customers to purchase our products, eat in our restaurants, and utilize our services. When people lose their jobs or their homes, cannot access federal Social Security benefits, or are unfairly denied unemployment benefits, they cease being our customers at all. . . . The impact of these benefits on the local economy is substantial. Low-income families primarily spend their income in their communities—from utility and grocery bills to paying for child care and transportation. As a result, the majority of benefits flow almost immediately into state and local economies.<sup>51</sup>

Miguel Santos, a consumer advocate from National Grid, added:

. . . [L]egal services assist in preventing even larger issues that can impact the entire community. Supporting funding for civil legal services makes sense from an economic point of view as civil legal services programs bring federal and other dollars into our state. Legal services provide—programs provide the services that avoid such income disruption [and] that helps keep [our] community

intact. These types of services keep people in their homes who then support the local economy. . . . Nonprofit community agencies—in particular, legal services programs—are part of the fabric that hold[s] our community together and in particular keep many of our residents safe.<sup>52</sup>

Speaking in support of the Chief Judge’s Judiciary Civil Legal Services funding initiative, Mark N. Eagan, President and CEO of the Albany-Colonie Regional Chamber of Commerce, observed that “[w]hile contributions to business activity are certainly not the primary objective of these efforts, they are nonetheless an important consequence.”<sup>53</sup>

Denise V. Gonick, President and CEO of MVP Health Care, summed up the views of many business leaders who have testified at the Chief Judge’s hearings when she said:

It’s also good business to provide access to representation so that businesses can have better access to the court system for resolution of business disputes. The 2.3 million unrepresented litigants slow judicial proceedings for all litigants, including businesses.<sup>54</sup>

**Front-line Judges Described The Adverse Impact On Courts Resulting From The Absence Of Counsel:** As in the hearings in prior years, front-line Judges described the impact of unrepresented litigants on the Judiciary.

The Hon. Carmelo M. Laquidara, a City Court Judge in Rensselaer City Court, for example, testified:

As a City Court Judge, the vast majority of civil cases I preside over involve *pro se* litigants. . . . These staggering numbers of *pro se* litigants greatly impact[] the quality of justice for all parties and increase[] the amount of litigation in courts throughout the state. . . . *Pro se* litigants are clearly disadvantaged when appearing against a represented party and often look to the Judge for assistance in their case.<sup>55</sup>

Likewise, the Hon. Margaret T. Walsh, who sits in the Family Court in Albany County and is an Acting Supreme Court Justice in the Third Judicial District, said:

There are legal concepts that could assist litigants, if the litigants were aware of them. While Judges explain certain concepts and procedures to litigants, there is a limit to what we can do, as well there should be. The unrepresented litigant’s position simply remains different from the litigant who has counsel. That difference can ultimately cause delays in resolution of cases concerning children and can even cause negative outcomes.<sup>56</sup>

**Other Leaders Testified About The Critical Need For Civil Legal Services:** At all four hearings, in both oral and written testimony, witness after witness described the essential role that civil legal assistance plays in providing access to justice in New York State.

Leaders of the private bar and the *pro bono* community—Carey R. Dunne (President of the New York City Bar Association), Seymour W. James, Jr. (Immediate Past President of the New York State Bar Association), Martha Krisel (Second Vice President and Access to Justice Chair of the Nassau County Bar Association), Miriam A. Buhl (*Pro Bono* Counsel at Weil Gotshal & Manges LLP), and David H.K. Nguyen (Director of the Disaster Legal Services Program at the American Bar Association’s Young Lawyers Division)—testified as to the importance of having civil legal services in place to support *pro bono* efforts.<sup>57</sup>

Penelope E. Andrews, Dean and President of Albany Law School, and Makau W. Mutua, Dean of SUNY Buffalo School of Law, spoke eloquently of the special role of civil legal services programs in educating law students and in helping law schools increase access to justice—as did Emily A. Dinsmore and Ker-

isha Hawthorne, both SUNY Buffalo Law School students.<sup>58</sup>

Mary Brosnahan (President and CEO of the Coalition for the Homeless), Dennis C. Walczyk (CEO of Catholic Charities of Buffalo) and Catherine M. Lyle (Foreclosure Counselor at the Margert Community Corporation) testified about the critical role that civil legal services providers play in collaborating with community-based organizations and stepping in to help low-income New Yorkers when, but for the provision of legal assistance, a complex problem cannot be resolved.<sup>59</sup>

In particular, Joseph P. Sluszka (Executive Director of the Albany Housing Coalition's Veterans Housing and Services) and Courtney Slade (Veterans Justice Outreach Coordinator at the Albany VA Medical Center) highlighted the increasing need for legal help for veterans of the armed services.<sup>60</sup>

District Attorney Cyrus R. Vance, Jr. described the unmet need for civil legal aid in the context of victims of crime:

Each year, we have to turn away from our door hundreds of people with real problems—but whose problems are civil and not criminal in nature. We try to refer people to appropriate government agencies and nonprofits to seek assistance. But the reality is that the demand for civil representation outstrips the resources available, and often the other agencies are unable to represent these individuals or help them get restitution or a just resolution of their cases.<sup>61</sup>

## PART B

### Findings And Recommendations For Action

**B**ASED ON THE CHIEF JUDGE'S HEARINGS in each of the four Judicial Departments in New York State during September and October 2013 and the work of the Task Force over the past year, the Task Force makes these key findings and recommendations for action:

1. an allocation of additional Judiciary Civil Legal Services funding is needed to address the continuing access-to-justice gap for low-income New Yorkers;
2. the allocation of additional civil legal services funding will continue to generate more than six dollars in cost savings and economic activity for every one dollar invested in civil legal assistance, as reported by NERA;
3. law school and law student involvement efforts at the 15 New York law schools should be expanded to help increase access to justice;
4. access to technology for civil legal services providers should be increased to enhance services and help bridge the justice gap for low-income families and individuals; and
5. use of online dispute resolution services should be considered on a voluntary basis for unrepresented litigants in a pilot program for consumer credit matters.

As described below, the combination of additional funding to bridge the access-to-justice gap and the Task Force's recommended non-monetary initiatives will enable New York State to continue to make progress on the multi-year plan implemented by the Chief Judge in 2010 to address the unprecedented need for civil legal assistance for low-income families and individuals living at or below 200 percent of the federal poverty level in New York State.

#### **I. An Additional Civil Legal Services Funding Allocation In The Judiciary Budget Is Essential To Continue To Make Progress On Bridging The Substantial Access-To-Justice Gap For Low-Income New Yorkers In Every County In New York State**

**Although civil legal** aid supported by current Judiciary Civil Legal Services funding helped 267,965 low-income New Yorkers last year, evidence before the Task Force continues to show that, at best, 20 percent of the need for civil legal assistance for low-income families and individuals across the State is being met. The Task Force also finds that this 20 percent figure is still conservative, especially when compared to data cited by the Chief Judge at the civil legal services hearings documenting that The Legal Aid Society in New York City, because of lack of funding, can provide civil legal assistance to only one out of every nine eligible low-income individuals who seek its help.<sup>62</sup>

With increased Judiciary Civil Legal Services funding, many providers, including The Legal Aid So-

ciety, had been making progress in reducing the access-to-justice gap, but the impact of Superstorm Sandy and the upstate storms as well as the lingering impact of Hurricane Irene have increased the need for civil legal aid in the near term and in the years to come.<sup>63</sup>

**a. Continued Implementation Of The Multi-Year Judiciary Civil Legal Services Funding Initiative Is Necessary:** In its 2010, 2011, and 2012 Reports, the Task Force presented evidence that the access-to-justice gap adversely impacts the functioning of the courts and that the large number of unrepresented New Yorkers increases litigation costs for represented parties such as private businesses and local government. These prior Task Force Reports also presented independent analyses showing that funding civil legal services is a good 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, and saves government expenditures for State and local public assistance and emergency shelter.<sup>64</sup>

Based on these findings and the documented substantial unmet need for civil legal services for low-income New Yorkers, the Task Force recommended a multi-year plan to allocate Civil Legal Services funding in the Judiciary’s budget and a series of non-monetary steps to reduce substantially the access-to-justice gap. Mindful of fiscal realities and budget constraints, in its 2010, 2011, and 2012 Reports and in this Report, the Task Force has not recommended an allocation of funding to eliminate the entire gap in access to justice, even though at current funding levels civil legal services programs are, at best, meeting 20 percent of the civil legal needs of low-income New Yorkers. Such a recommendation would require a five-fold increase in the current \$242 million funding level for New York civil legal services providers.<sup>65</sup>

In keeping with the multi-year plan, for all the reasons set forth below, together with the non-monetary recommendations detailed in this Report, the Task Force recommends an additional allocation of \$15 million for the Judiciary’s Civil Legal Services funding over the current \$40 million level so as to continue to make progress to narrow the substantial access-to-justice gap in New York State.

In recommending this \$15 million increase over the current Judiciary Civil Legal Services funding level, the Task Force adheres to its 2010, 2011, and 2012 recommendations of a modest approach by gradually increasing the annual Judiciary Civil Legal Services funding over several years. The creation of this permanent, stable civil legal services funding stream within the Judiciary’s budget will significantly reduce the access-to-justice gap for low-income families and individuals all across the State.

Based on the evidence before it, the Task Force again concludes that the most urgent unmet legal needs for which the proposed funding should be directed are civil legal services in matters involving “the essentials of life”—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). Moreover, the Task Force continues to recommend that prevention efforts and early intervention be prioritized, and continues to find that well-trained and seasoned experts are necessary to address the complex legal problems that low-income clients frequently face.

The Task Force recommends that the Judiciary Civil Legal Services funding in the next fiscal year be distributed—as in the current and prior fiscal years—throughout the State’s urban, suburban, and rural areas in accordance with the distribution of low-income New Yorkers by county. Further, the most vul-

nerable families and individuals who receive funded civil legal assistance should continue to include both those living below the federal poverty level (\$23,550 for a family of four in 2013) and the “working poor” living below 200 percent of the federal poverty level (\$47,100 for a family of four in 2013).<sup>66</sup>

In addition, the Task Force recommends that the designated Oversight Board should continue to oversee the grant-making process for the Judiciary Civil Legal Services funding with the assistance of the Office of Court Administration.

**b. The Unmet Need For Civil Legal Assistance Is Still Substantial:** Even before the recent natural disasters upstate and downstate, there was a substantial unmet need for civil legal assistance for low-income families and individuals living at or below 200 percent of the federal poverty level. Based on experience post-Sandy, post-Irene, and following the upstate storms, evidence presented at the Chief Judge’s hearings demonstrated that emerging new legal needs result from these natural disasters that require immediate and ongoing civil legal assistance, including problems associated with disaster relief housing assistance, FEMA and insurance aid, disaster relief federal food stamp assistance, disaster relief unemployment benefits, and disaster relief health care coverage. Expert testimony established that civil legal help is an important part of the recovery process.<sup>67</sup>

In its 2010 Report, before the occurrence of the recent natural disasters across the State, the Task Force presented the results of the first survey in more than two decades of the legal needs of low-income New Yorkers. Under the auspices of the Fund for Modern Courts, Lake Research Partners, a well-respected independent opinion polling company that uses standard professional sampling methods similar to those used in the American Bar Association’s seminal 1994 national legal needs study, carried out the study in August 2010. By telephone, Lake Research surveyed New Yorkers with a household income at or below 200 percent of the federal poverty level.<sup>68</sup>

Lake Research found that 1.2 million low-income New Yorkers had three or more legal problems over the course of the year and thereby experienced the most pressing need for civil legal help. Meanwhile, recent IOLA data shows that 266,461 cases were closed by IOLA grantees during the last 12-month reporting period of April 1, 2012 through March 31, 2013.<sup>69</sup> Comparing the number of closed cases to the number of low-income New Yorkers with multiple legal problems once again shows that in the aftermath of the storms, at best, 20 percent of the need for civil legal services is being met.

Based on all the evidence from the hearings, the Task Force concludes that the key findings of the Task Force’s 2010 legal needs study have not changed materially, particularly because of the adverse impact of recent natural disasters on the progress that had been made in closing the justice gap with Judiciary Civil Legal Services funding. The continuing high rates of poverty in New York State also validate this finding.

**c. Federal Poverty Data And Unemployment Data Document High Need:** Updated United States census data further confirms the validity of findings in the Task Force’s 2010, 2011 and 2012 Reports as to the substantial numbers of New Yorkers living at or below 200 percent of the federal poverty level. The latest federal data for 2012 shows that 6,291,509 New Yorkers are living below 200 percent of the federal poverty level—33 percent of the residents of the State.<sup>70</sup> For New York City, the percentage of residents living below 200 percent of the federal poverty level in 2012 is 41.3 percent, higher than the State level in 2012 and higher than 2011.<sup>71</sup>

The federal poverty level and 200 percent of that level for 2013 are calculated as follows:<sup>72</sup>

<b>2013 Poverty Guidelines for the 48 Contiguous States and the District of Columbia</b>		
<b>Family Size</b>	<b>100%</b>	<b>200%</b>
<b>1</b>	<b>\$11,490</b>	<b>\$22,980</b>
<b>2</b>	<b>\$15,510</b>	<b>\$31,020</b>
<b>3</b>	<b>\$19,530</b>	<b>\$39,060</b>
<b>4</b>	<b>\$23,550</b>	<b>\$47,100</b>

**d. Large Numbers Of Unrepresented Litigants Still Adversely Affect The Functioning Of The Courts:** Based on available data, the Task Force finds that substantial numbers of unrepresented litigants continue to overwhelm the New York courts. More than 2.3 million litigants continue to attempt to navigate the complex civil justice system without counsel each year. Representation by counsel is still not available to most low-income tenants in eviction cases in all four Judicial Departments, low-income borrowers in thousands of consumer credit cases filed in New York City, and most low-income parents in child support matters in rural, suburban, and urban areas.<sup>73</sup> The impact of the Chief Judge’s civil legal services initiatives over the past three years has helped increase the percentage of New Yorkers represented in foreclosure settlement conferences from 33 percent to 54 percent—but 46 percent of New Yorkers who face the loss of their homes in these court conferences still do so without counsel.<sup>74</sup>

At the Chief Judge’s hearings in each of the four Judicial Departments in the State, business leaders, State and local government leaders, representatives of the private bar, and front-line Judges testified to the adverse impact that these large numbers of unrepresented litigants have on the functioning of the courts.

For example, the Hon. Margaret T. Walsh, who sits in the Family Court in Albany County and is an Acting Supreme Court Justice in the Third Judicial District, said:

[Cases with non-represented individuals] take longer in the courtroom and they take longer in terms of weeks and months to resolve. There’s a very significant difference because quite often people will attempt to get attorneys and they will come back over and over trying to save money, trying to borrow money so that they can have an attorney. And of course that drags the case out for quite a long time. But just the process of explaining what’s happening, we have to adjourn, adjourn, adjourn to see how things are going, as opposed to just having an attorney who could explain what the process is and then we can do things in a much more orderly fashion. So it really takes a toll on everyone when there isn’t representation. And the children. That’s the biggest deal. When custody matters are not resolved in a timely way it’s the children who suffer.<sup>75</sup>

Similarly, the Hon. Carmelo Laquidara, a City Court Judge in Rensselaer City Court, testified that “it just makes the court system run more efficiently having an attorney represent a litigant in a civil matter,

just makes the whole process run more smoothly.”<sup>76</sup>

Mark N. Egan, President and CEO of the Albany-Colonie Regional Chamber of Commerce, summed up the impact on represented parties when he noted that “[a] breakdown in the legal system and an increase in the unmet need for services burdens the economy as a whole. Individuals and businesses alike suffer from the consequences that lack of access to legal services can create.”<sup>77</sup>

**e. Decreased IOLA Funding Has A Continuing Adverse Impact On The Unmet Need For Civil Legal Assistance:** As the Task Force has found previously, a sharp drop in interest rates due to the economic downturn has dramatically reduced the Interest On Lawyers Account Fund’s revenue for civil legal services grant-making, thereby illustrating the need for stable, consistent and permanent State civil legal services funding in the Judiciary budget.

As documented in the Task Force’s 2010, 2011 and 2012 Reports, interest rates dropped precipitously during the economic crisis in the Fall of 2008. In 2007, the largest financial institutions holding IOLA accounts provided an average interest rate of 2.25 percent. By 2008, the rate had been cut in half to just over 1 percent; in October of 2009, the average rate dropped even further to 0.31 percent. As of August 2010, the rate paid was down to 0.25 percent, representing an overall decline of 88 percent over three years. The average rate has remained at that level. As a result, as described earlier in this Report, annual IOLA revenue available for civil legal services providers has plummeted from \$32 million annually in 2008 to only \$7 million for this past year.<sup>78</sup>

With the support of the Legislature and the Governor, the Judiciary has created a \$15 million IOLA rescue fund to address at least part of the impact of this funding reduction in the current State fiscal year and the prior three fiscal years. In view of the continuing impact of the economic downturn on IOLA revenue and the continuing substantial unmet need for civil legal aid, the Task Force recommends that this \$15 million rescue fund be maintained in the Judiciary’s budget for the coming fiscal year.

**f. The Testimony Of Legal Services Clients Demonstrates The Profound Impact Of The Lack Of Legal Assistance:** Clients who testified at the hearings in each of the four Judicial Departments highlighted the life-changing impact of civil legal assistance and the profound consequences of the lack of such assistance.

At the hearing in the Third Department (including Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Madison, Montgomery, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Sullivan, Tioga, Tompkins, Ulster, Warren and Washington Counties), clients described the crucial legal help they received in challenging circumstances:

*Michael O’Donnell*, a 61-year-old Vietnam veteran suffering from post-traumatic stress disorder and working as a part-time dishwasher, needed civil legal aid to gain custody of his 15-year-old son who was placed in foster care due to his mother’s drug use.<sup>79</sup>

*Michael DeBenedetti*, a Marine who suffered a permanent back injury while serving in Iraq, needed legal help to prevent foreclosure on his home when he fell into arrears on his mortgage while waiting months for his disability benefits to begin.<sup>80</sup>

*Laurie Schaible*, who had received public assistance 20 years ago while caring for three young children, needed legal assistance to lift a \$40,000 lien that the social services department improperly placed on

her home after miscalculating the amount of public assistance she had received.<sup>81</sup>

*Jason Keller*, a veteran with a wife and three children who was laid off from his job as a construction worker, needed legal representation to successfully challenge a wrongful denial of unemployment benefits when an employer claimed that he was an independent contractor and had quit his job because of misconduct.

At the hearing in the First Department (including Bronx and New York Counties), clients testified about the critical legal help they received with respect to the essentials of life:

*Jerome Young*, a veteran suffering from traumatic brain injury and post-traumatic stress disorder as a result of a shrapnel wound he received while serving in Iraq, needed legal representation to successfully challenge the denial of federal Social Security Disability benefits even after he had been found eligible for Veteran's disability benefits based on his condition.<sup>83</sup>

*Maria Perez*, along with her husband and other tenants in her building, needed legal representation to obtain rental assistance and relocation to a habitable and affordable apartment after her building was vacated due to hazardous conditions.<sup>84</sup>

*Miriam Tangara*, a survivor of domestic violence and the mother of a 10-year-old boy, who is now working as a school teacher, needed legal assistance to escape her abuser, obtain special rental assistance to prevent the loss of her apartment due to her abuser's conduct, and secure a special immigration visa in light of the domestic violence to which she was subjected.<sup>85</sup>

In the Second Department (including Dutchess, Kings, Nassau, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester Counties), compelling client testimony highlighted the potential harm to those who cannot obtain needed civil legal aid to address the essentials of life, as illustrated by the crucial role of civil legal services organizations in the aftermath of Superstorm Sandy:

*Nicholas Dorman*, a New York City firefighter with a wife and two young children whose Staten Island home was flooded as a result of Superstorm Sandy, needed legal help to secure assistance from FEMA and his insurance company, obtain mortgage forbearance while pursuing a buyout due to the extensive damage to his family's home, and address property tax issues.<sup>86</sup>

*Cesar Lopez* and *Maria Lopez*, who suffers from cancer, needed legal help first to stave off foreclosure based on improper conduct by the mortgagor, then to obtain FEMA aid when their home in Rockaway was flooded and badly damaged by Sandy—they had received very little aid from FEMA, but received a larger grant to help meet their needs once they were represented in their FEMA appeal.<sup>87</sup>

*Huan Qiang Lin*, who lives in Coney Island with his wife and two daughters and has a small laundry business, was devastated by Sandy when his family's home was flooded and badly damaged—his tenant had to move out, his business suffered due to conditions in the neighborhood, and he did not receive any help from FEMA or his insurance company until his legal services lawyer helped him obtain \$40,000 from FEMA to repair his home and \$7,000 from his insurer.<sup>88</sup>

*Milagros Garcia*, the mother of two children, lived in Rockland County in a mobile home that was destroyed by flooding from Sandy and needed legal assistance to obtain FEMA aid and to prevent her family's eviction after the mobile home park owner threatened to evict all the park residents who were not paying rent because they no longer had their homes.<sup>89</sup>

In the Fourth Department (including Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee,

Herkimer, Jefferson, Lewis, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, Wyoming, and Yates Counties), clients described their critical need for legal assistance:

*Diane Butler*, a survivor of domestic violence with a young daughter and two older daughters, needed legal representation to obtain an order of protection, full custody of her young daughter and supervised visitation to ensure her safety, a divorce, a judgment for support arrears, Supplemental Security Income benefits when she was diagnosed with cancer, and a stand-by guardianship for her young daughter as she underwent chemotherapy.<sup>90</sup>

*Ursula M. Anderson*, a retired physician with disabilities, needed legal help when a contractor made repairs to her home that resulted in substantial damage to the roof and interior—after a civil legal services provider intervened, the federal agency that extended the home repair loan agreed to fund the repairs needed to remedy the damage caused by the contractor the agency had sent to do the original work.<sup>91</sup>

*Richard Hesse*, who suffers from chronic obstructive pulmonary disease and lymphoma and relies on Supplemental Security Income, while his wife receives Social Security Disability benefits due to a heart condition, needed legal assistance to negotiate the repayment of county property tax arrears and avert a tax foreclosure on their home after his health left him unable to find work and his family was unable to pay its bills.<sup>92</sup>

## **II. Investing In Additional Judiciary Civil Legal Services Funding Provides Substantial Economic Benefits To New York State And A Return Of More Than Six Dollars For Every One Dollar Of Funding Based On New Data**

**During the last three years**, the Task Force obtained *pro bono* assistance from three nationally recognized experts to analyze the cost savings and economic benefits resulting from funding civil legal services programs in New York State, and report on the rate of return on investments in civil legal services.

As documented in the Task Force's 2011 Report, Navigant Consulting conservatively estimated from national and New York State data that investing in civil legal services to prevent domestic violence in New York State can achieve annual savings of \$85 million in costs associated with assistance for survivors of domestic violence. Also as documented in the 2011 Report, based on State and local data on the cost of providing shelter in New York State, and IOLA data on eviction prevention cases in which IOLA grantees provided legal assistance, Cornerstone Consulting concluded that anti-eviction legal services programs funded by IOLA save approximately \$116 million annually in averted shelter costs for government.<sup>93</sup>

For this 2013 Report, the Task Force obtained *pro bono* assistance from NERA Economic Consulting, another nationally known economic consulting firm, to update NERA's analysis in the 2012 Task Force Report on the amount and impact of federal funds that civil legal services bring into New York State. Drawing on NERA's data in the Task Force's 2012 Report, New York State Comptroller DiNapoli testified at the Chief Judge's Third Department hearing about the substantial economic stimulus effect for New York State resulting from investment in civil legal assistance for low-income New Yorkers.<sup>94</sup>

For this Report, NERA conducted three new analyses: 1) an updated analysis of the amount and impact

of civil legal aid to obtain various federal benefits for low-income New Yorkers; 2) a new analysis of the economic benefit of providing civil legal services to obtain child and spousal support; and 3) a new evaluation of the impact of legal help in the form of advice and brief legal services.

**a. A New Updated NERA Analysis Documents Even Greater Economic Benefits For New York State As A Result Of Providing Civil Legal Services To Obtain Federal Benefits For Low-Income New Yorkers:** Based on a review of publicly available data and summaries of the dollar value of various federal benefits received by low-income New Yorkers as a result of civil legal services provided by IOLA grantees from 2007 through 2012, NERA has updated the analysis it conducted last year and found that:

- The value of federal funds brought into New York State through the provision of civil legal assistance to enable low-income New Yorkers to receive federal benefits (such as Social Security Disability, Supplemental Security Income, federal unemployment, Medicaid and Medicare, Veterans disability, and unearned income tax credit benefits) has risen to \$457.7 million—an \$80 million increase in value relative to the estimate using data only through 2011.
- Considering the recognized economic multiplier effect of this flow of federal funds on New York State, the total economic stimulus deriving from this provision of civil legal aid to low-income New Yorkers through 2012 comes to \$679 million, compared with a previously estimated economic stimulus of \$561 million for cases closed through 2011—more than a 20 percent increase in economic benefit for the State relative to the prior year.
- The economic activity resulting from the provision of these civil legal services generated 6,776 jobs—up from 5,600 in the prior year.
- If these economic multiplier effects remain stable, as shown in NERA’s analysis for the 2012 Task Force Report, the inflow of funds in 2012, together with the future value created, result in overall economic benefits to New York State in excess of \$1.5 billion.

NERA’s full report to the Task Force sets forth in detail the assumptions and calculations underlying this analysis of the substantial economic benefits of providing civil legal assistance to gain access to the federal benefits.<sup>95</sup>

As the Task Force has found previously, low-income New Yorkers may be denied access to these federal programs and payments may be barred for a number of reasons. They may not be aware of the programs or of their eligibility. Determining eligibility can require knowledge of complex rules and regulations, and proof of eligibility may require documents and information that are difficult for low-income persons to access. As a result, provision of civil legal assistance may be the only avenue available to ensure that low-income New Yorkers receive federal benefits and other payments to which they are entitled. Receipt of these federal resources results in substantial cost savings for State and local governments to whom these needy families would likely turn instead.

Likewise, the provision of federal benefits to eligible low-income New Yorkers benefits not only individuals and their families, but New York State as a whole. Recipients of increased federal benefits, for example, spend the increased benefits on housing, food, clothing, and other support for their families. Thus, every extra dollar brought into the State results in a stimulus to the State economy overall and benefits all New Yorkers. Accordingly, the United States Department of Commerce reports that every dollar brought into the New York economy generates an extra 48 cents of value in stimulus to the economy overall.<sup>96</sup>

Moreover, New York receives only 79 cents for every dollar that it pays in federal tax.<sup>97</sup> Accordingly, as the Task Force has found previously, providing civil legal services to obtain federal benefits for low-income New Yorkers who then spend those federal dollars in their communities reduces New York's excess federal taxation burden.<sup>98</sup>

**b. A New NERA Analysis Shows Additional Benefits For New Yorkers Resulting From Providing Civil Legal Services To Obtain Child Support And Spousal Support Payments:** For the 2013 Report, NERA expanded its 2012 analysis to evaluate the economic benefits resulting from the provision of civil legal services to obtain child support and spousal support payments. In 2012, the provision of civil legal services helped low-income New Yorkers claim a total of \$3.9 million in child support and \$1.2 million in spousal support, for a total of \$5.1 million in support payments. Both child support and spousal support are broken down into back awards and monthly payments. Back awards account for approximately \$750,000 of the total amount. Under the assumption that monthly child support and spousal support granted will continue to be received for the next 12 months, NERA annualized the monthly benefits, which adds up to \$3.4 million in annualized payments in child support and \$922,250 in spousal support.

However, NERA has concluded that this calculation of the value of child and spousal support payments is a conservative estimate of the value provided to low-income New Yorkers as a result of the provision of civil legal services. It only captures the value of payments paid in 2012. This is an understatement of financial impact, as the expected duration of child and/or spousal support receipt is considerably longer than five years. An alternative method for estimating the value of these closed cases is to consider the value and duration of the expected future stream of payments.

Under this alternative approach, NERA estimated the future value of child and spousal support as a result of the provision of civil legal services by projecting over five years the value of the ongoing monthly payments from cases closed in 2012. In order to convert these future values to present value, NERA used a prime rate of interest of 3.25 percent. Thus calculated, the five-year future value of child and spousal support cases closed in 2012 is \$113 million.

Taking a different approach, the value of cases closed in 2012 could be projected over 10 years. The assumed average duration of time on child and spousal support is nine years, based on the average age of children at the time of a divorce.<sup>99</sup> NERA therefore assigned a zero value to the child and spousal support for the 10th year of the projection. This calculation yields a present value of future benefits of approximately \$188.3 million.

**c. A First-Time NERA Analysis Of The Benefits Obtained For Low-Income New Yorkers In Advice And Brief Services Cases Documents A Further Significant Economic Stimulus For New York State:** While NERA's previous economic benefits analysis relates to value added by extended representation civil legal services, low-income New Yorkers also have access to advice and brief services, either in person or by phone. In order to approximate the additional benefits granted as a consequence of these services—which include additional federal Supplemental Security Income, Social Security Disability, and Medicaid benefits as well as additional child and spousal support payments—NERA considered information from IOLA regarding the outcomes of similar services in Pennsylvania. Information regarding Pennsylvania's advice and brief services was collected by surveying a randomly selected sample of 400 program clients in 2011. Currently, such information is not recorded in New York.

NERA calculated the additional federal Supplemental Security Income and Social Security Disability benefits gained due to the advice and brief services based on the known success rate of such cases in Pennsylvania in 2011, as reported by survey respondents. Survey data established that 41 percent of Supplemental Security Income and Social Security Disability benefits cases closed with clients receiving new benefits or increased benefits as a result of obtaining advice and brief services. In 2012, New York's IOLA grantees closed 4,040 advice and brief services Supplemental Security Income and Social Security Disability benefits cases. Applying the 41 percent success rate found in the Pennsylvania survey to the IOLA data for New York, NERA estimated that 1,664 of these cases were successful. NERA calculated the additional benefits gained in each successful case from the average back awards and annualized monthly benefits per case for New York's extended representation civil legal services in 2012 (\$10,832 and \$8,775, respectively). Multiplying the estimated number of cases successfully closed using advice and brief services by the average benefits per case results in a projection that \$18 million in back awards and \$14.6 million in annualized monthly benefits were generated by such services in New York.

Advice and brief services also help New Yorkers to obtain Medicaid benefits. In 2012, a total of 1,393 stand-alone Medicaid cases in New York were closed with advice and brief services. According to the Pennsylvania survey, such cases had a 6.5 percent success rate. Applying this success rate to the New York data yields a projection that clients were likely to obtain or maintain Medicaid benefits as a result of the advice and brief services in a total of 90 Medicaid cases closed in New York. Medicaid benefits may also be obtained in successful Supplemental Security Income and Social Security Disability benefits cases. In 2012, a total of 3,045 combined cases were closed by the advice and brief services in New York. Again applying the Pennsylvania success rate of 41 percent in Supplemental Security Income and Social Security Disability benefits cases, a total of 1,254 advice and brief services federal disability cases in New York were likely to be successful. Adding the two numbers for successful Medicaid cases, NERA estimates that a total of 1,344 Medicaid cases in New York were closed with clients receiving these benefits as a result of advice and brief services. Using the average annual Medicaid benefits per case of \$8,193 provided by IOLA, NERA estimates that an additional \$11 million in Medicaid benefits could have been generated from the provision of advice and brief services by civil legal services programs.

NERA used the methodology described above to estimate the additional value of child and spousal support obtained with the help of advice and brief services. According to the Pennsylvania survey, 4 percent of child and spousal support cases handled by advice and brief services closed with favorable outcomes. Applying this success rate to the number of such cases closed in New York in 2012, NERA estimated that approximately 74 advice and brief services cases closed with additional child and/or spousal support payments for the client. The average amount of child and spousal support payments for successful extended representation cases in New York is \$798 in back awards and \$385 in monthly payments. Assuming that monthly payments will be received for at least 12 months, the total estimated child and spousal support benefits generated from advice and brief services adds up to approximately \$10 million in 2012.

In total, utilizing the success rate of advice and brief services reported in the Pennsylvania survey and the average benefits per case documented in extended representation cases in New York, the aggregate value of additional federal Supplemental Security Income, Social Security Disability, and Medicaid benefits and child and spousal support payments is \$53.7 million.

Although this number only approximates the potential value added by advice and brief services in New York, it is a conservative projection because New York has a larger low-income population than Pennsylvania. For example, in 2012 New York had approximately 1.8 times more Supplemental Security Income recipients and 1.3 times more Social Security Disability recipients than Pennsylvania.<sup>100</sup> The 2010 and 2011 average poverty rate in New York was 16 percent relative to Pennsylvania's 12.4 percent.<sup>101</sup> Accordingly, New York also provided more civil legal services and had about eight times more attorneys and paralegals funded by IOLA relative to the IOLTA (Interest On Lawyer's Trust Accounts)-funded attorneys and paralegals in Pennsylvania.<sup>102</sup> Therefore, in NERA's professional judgment, using Pennsylvania data for this evaluation is appropriate because it results in an underestimate (not an overestimate) of the economic impact of advice and brief services in New York State.

### **III. The 15 Law Schools In New York State Can And Should Continue The Progress That Is Being Made In Enlisting Law Schools And Law Students In The Multi-Faceted Effort To Bridge The Access-To-Justice Gap For Low-Income New Yorkers**

**Under the Task Force's leadership** over the past year, new initiatives to enhance the involvement of law schools and law students have been developed to expand access to justice, which can and should be fully implemented over the coming year.

A principal vehicle for moving these law school efforts forward has been the annual Law School Conference, initiated by the Task Force in May 2012. On May 16, 2013, the Task Force convened the Second Annual Law School Conference, "Access to Justice: The Role of New York's Law Schools in Helping Meet the Essential Civil Legal Needs of Low Income New Yorkers." Hosted by New York Law School, 147 participants from law schools, law firms, bar associations, legal services providers and the courts attended this Second Annual Conference and continued the conversation initiated at the May 2012 Conference on collective efforts to narrow the justice gap.

The changing landscape of the legal marketplace and the high numbers of low-income New Yorkers in need of civil legal assistance in matters involving the "essentials of life" have intensified pressures on law schools, law students and lawyers. The catastrophic damage inflicted by recent storms has long-lasting consequences often felt most acutely by already vulnerable New Yorkers without ready access to civil legal assistance. This confluence of factors has generated debate about the very framework of legal education and how best to train students to become effective lawyers and advocates in the 21st century. These topics are currently the subject of study by New York's law schools,<sup>103</sup> the New York State Bar Association,<sup>104</sup> the American Bar Association,<sup>105</sup> and others across New York State and the nation. The unique focus of the Task Force's examination is access to justice and the role of New York's law schools in helping meet the essential civil legal needs of low-income New Yorkers.

At the 2013 Law School Conference, participants, in working groups, examined models of collaboration, the 50-hour *pro bono* bar admission rule, post-graduate programs, law school curriculum, and technology for ways to enhance the law schools' efforts to improve access to justice for low-income New Yorkers facing legal challenges to obtaining life's essentials. Distilled from the specific recommendations developed in the working groups,<sup>106</sup> the Task Force recommends the following nine key recommendations to address the access-to-justice gap for low-income families and individuals in New York State:

## **1. The Annual Law School Conference Should Continue To Be Convened**

This year's Second Annual Conference, convened by the Task Force, again joined deans, professors, staff and students from the 15 law schools in New York State with representatives from legal services providers, bar associations, the practicing bar, the courts, and members of the Board of Law Examiners to share ideas, raise concerns, and offer their varying perspectives regarding access-to-justice issues. The continuation of the Law School Conference on an annual basis ensures meaningful dialogue and ongoing collaborations among all the stakeholders on access-to-justice initiatives. To continue this essential initiative, the Task Force has already scheduled the Third Annual Conference for May 12, 2014 at the City University of New York's Law School.

## **2. The Statewide Law School Access-to-Justice Council Should Continue Its Work**

Initiated as a result of the Task Force's First Annual Conference, the Council is composed of representatives appointed by the deans of the 15 New York law schools, as well as representatives of several legal services providers and bar associations. The Council held its inaugural meeting on May 16, 2013, the day of the Second Annual Conference, and its next meeting on November 14, 2013.

At its November meeting, the Council addressed two immediate agenda items: (i) development of an online "clearinghouse" for student *pro bono* opportunities and (ii) promotion of best practices and implementation strategies for student compliance with the 50-hour *pro bono* bar admission rule. The Council will also consider the feasibility of developing a blueprint for disaster relief that offers proven models of collaboration for use in emergency or crisis situations.

As originally recommended in the Task Force's 2012 Report, each New York law school should dedicate an office or designate a person to centralize its school's access-to-justice programming. This will ensure efficient communications with students regarding access-to-justice programs and *pro bono* opportunities and facilitate collaborations with civil legal services providers, bar associations, law firms and the courts.

## **3. Efforts To Enhance Implementation Of The 50-Hour Pro Bono Bar Admission Rule Should Continue**

With its promise of instilling in future lawyers a commitment to performing *pro bono* service and its capacity to increase opportunities for students to acquire legal skills, the 50-hour *pro bono* bar admission rule is a critical element in New York State's comprehensive effort to close the justice gap.

The Annual Law School Conference and the Council offer important forums for the stakeholders to discuss best practices and effective measurements for assessing student experiences. Such an ongoing collaborative approach among New York law schools will help ensure that the rule will promote and achieve expanded access to justice.

In order to promote 50-hour opportunities as well as law student involvement in helping to bridge the justice gap, the Task Force renews its recommendation in its 2012 Report that there should be a uniform student practice order affording broad opportunities to provide civil legal assistance.<sup>107</sup>

## **4. Efforts Can And Should Be Made To Address Access To Justice In The Curriculum Offerings In New York Law Schools**

Law schools should continue to develop innovative ways to integrate access to justice into their curriculum offerings in both academic and practice contexts.

**a. Additional Training In Skills And Values:** Training law students in the skills of client representation (interviewing, counseling, negotiating, drafting, etc.) is only part of the essential preparation for becoming effective lawyers, and is especially important in preparing students for public interest work and the representation of low-income families and individuals. In New York, as around the country, law schools are investing resources and applying creative thinking to the enhancement of experiential learning opportunities. Traditional *pro bono* experiences, even if not credit-bearing, are uniquely important in teaching professional responsibilities and values, especially the profession's commitment to assuring access to justice, and also offer significant opportunities to teach lawyering skills that will produce graduates ready for the challenges of legal practice.

**b. Access-To-Justice Curriculum:** A host of models are available for integrating access to justice into the curriculum, ranging from a required first-year course with an emphasis on access-to-justice issues, to a service-learning component in an upper-level public interest lawyering course, to a program that involves students, faculty, alumni and other volunteers in representing juvenile immigrants in immigration court, to highlight a sampling. Continued efforts after the Second Annual Conference have produced a rubric for assessing curricular innovations that address the need for improved access-to-justice teaching methodologies, and assessed the different models using that rubric.<sup>108</sup> The Task Force recommends that law schools continue to develop and implement these types of access-to-justice programs and use this rubric (or another similar assessment tool) to evaluate these efforts.

**c. Assessing The Third Year Of Law School:** Although the Task Force takes no position on the continued viability of the three-year law school model or the efficacy of an accelerated program, the Task Force encourages law schools to explore options for the third year and consider alternatives to the traditional model that will produce lawyers equipped with the professional and practical skills necessary to provide civil legal services to people in need.

## **5. Successful Post-Graduate Law School Programs Can Be Expanded And New Models Should Be Explored**

A range of existing law school programs is available to provide training and employment for recent law school graduates as they perform legal work for underserved low- and moderate-income communities. The Task Force recommends that law schools expand successful programs and explore the viability of new models. Additionally, the Task Force urges law schools to create mechanisms to evaluate and track the ongoing experiences of program participants and monitor whether participants continue to work with underserved populations.

**a. Examples Worthy Of Replication By Law Schools:** Post-graduate law school programs have evolved over the last several years as law schools try innovative approaches to provide jobs and training for recent graduates, and simultaneously answer the call to expand access to civil legal services. The missions of the post-graduate programs offered by New York law schools share several common elements: to provide recent law graduates with training and employment; to help prepare them for creating solo practices; and to provide legal assistance to underserved low- and moderate-income communities.<sup>109</sup> The models presented at the Second Annual Conference can be evaluated by New York's law schools to determine which best suit the needs of the particular student body and which will enable them to best serve the needs of the local communities. Programs need not be replicated exactly; rather, law schools can and should select aspects of the various programs and combine them to develop new models or create new approaches entirely.

**b. Develop A Reporting Mechanism To Track Experiences of Post-Graduate Program Participants:** To assess the impact and success of post-graduate programs and to ensure their efficacy, it would be helpful for law schools to implement a uniform reporting system to track and document the experiences of participants. In particular, it is important to determine whether program participants continue to work in underserved communities and/or with low- to moderate-income individuals.

## **6. Bar Examination Content And Scheduling Should Be Addressed To Promote Access-To-Justice Efforts**

The realities of the legal marketplace demand that new graduates be prepared for the challenges of law practice. Clinical and experiential programs, together with the rule mandating 50 hours of *pro bono* law student service for bar admission, ensure that students will gain practical skills, ranging from client relations to managing a law practice, and instill the value of performing *pro bono* work. In addition to imbuing students with the ethic of public service, which is a hallmark of the New York bar, an underlying goal of the 50-hour *pro bono* bar admission requirement is to expand access to justice for people in need. At the same time, bar examination questions directed at access-to-justice issues and practice skills would strengthen law school curriculum offerings related to these topics.

**a. Questions Addressing Access To Justice And Skills:** Incorporating questions directed at access-to-justice issues<sup>110</sup> and practice skills<sup>111</sup> on the bar examination would provide the incentive for law students to select courses with this focus and for law schools to further enhance access to justice curriculum options. Outreach should be made to the Board of Law Examiners on this matter.

**b. Bar Examination Timing:** The Task Force encourages an examination of different options for students to take the bar examination before completing three years of an accredited law school education—for example, after completing the first semester of the third year, which could be followed by a final-semester externship.<sup>112</sup>

**c. Expedited Admission To The Bar:** To permit participants in post-graduate programs to immediately represent low-income New Yorkers in need of civil legal services, the Appellate Divisions could consider providing expedited admission for such applicants. For example, increasing the frequency of induction ceremonies for post-graduate program participants, or allowing participants in recognized programs to take the bar examination during the third year of law school and submit character and fitness materials at the time of the bar examination, could facilitate expedited review of candidates by the Appellate Divisions following passage of the bar examination. Outreach should be made to the Appellate Divisions on this matter.

## **7. Develop A Template To Guide Mobilization Of Civil Legal Services To Deal With Disaster-Related Emergencies**

Law school students, faculty and administrators responded to the demand for civil legal assistance arising from the destruction inflicted by Superstorm Sandy and worked together with legal services providers, the courts, law firms, and bar associations to offer immediate and continuing legal services to people in need.<sup>113</sup> To preserve the support network and effective delivery protocols mobilized by these efforts, a template should be established for use in future emergencies with due consideration to the Law School Involvement Working Group's recommendations.<sup>114</sup>

## 8. Effective Use Of Technology To Help Bridge The Justice Gap

Technology can clearly enhance access and support collaborative law school efforts. For example, the development of an online clearinghouse for student *pro bono* opportunities, along the lines of existing websites for volunteer attorney opportunities, is currently under study by the Statewide Law School Access to Justice Council first convened by the Task Force. Online communities for law schools and legal services providers can enhance collaborations across the State. In addition, interactive technologies, such as online interview and screening tools, provide new ways to assist unrepresented litigants through unbundled representation and assistance. Law students can provide help, either online or in person, to individuals involved in these processes, and can also participate in the development of the applications and in providing content.

Finally, technology continues to enhance the availability of training materials and resources, and law students and law schools can help keep those materials available, thorough and current. Given the increasing need and the rapid pace of technological improvements, law schools, the courts, legal services providers, law firms, and bar associations should continue to work together to maximize these benefits. Over the course of the next year, the Task Force will continue to work with the law schools to support these efforts.

## 9. Use Of Non-Lawyer Advocates To Help Bridge The Gap

In its 2012 Report, the Task Force recommended that the Chief Judge appoint an advisory committee to examine the possibility of non-lawyers providing targeted assistance in limited areas. In May 2013, the Chief Judge appointed the Committee on Non-Lawyers and the Justice Gap to examine the role that “appropriately trained and qualified non-lawyer advocates can play in bridging the justice gap.”<sup>15</sup> That Committee will make recommendations for an appropriate system to expand the role of non-lawyer advocates in the delivery of legal services, and devise pilot programs for such appropriately trained non-lawyer advocates. To help to develop this access-to-justice initiative, law schools may wish to look into opportunities or ways to supplement their programs with training for non-lawyers in such limited practice.



Since the 2012 First Annual Conference, law schools have undertaken significant institutional innovations to respond to the Task Force’s 2012 recommendations and adoption of the 50-hour *pro bono* bar admission rule. The intense debate underway regarding the shape of legal education will surely inform continued efforts to narrow the justice gap. Collaboration is at the heart of each of this year’s recommendations and is essential to the Task Force’s work to expand access to justice.

Technology is an important means to promote collaboration and assess and track the impact of access-to-justice programs and student experiences. Second Annual Law School Conference participants highlighted the need to develop consistent assessment methods and tracking mechanisms to evaluate the effectiveness of law school access-to-justice programs and projects, and to maximize future efficiencies by documenting the shortcomings of less productive models. Law schools, courts, providers, bar associations, and the practicing bar should work together to identify, promote, sustain and replicate successful models. The Task Force recognizes that implementation of some of these key recommendations will likely require additional resources and/or staff, which would have to come from the reallocation of existing resources, new funding sources apart from the Judiciary Civil Legal Services funding, or both.

## **IV. Effective Technology Initiatives Can Increase Access To Justice And Further Leverage Resources For Civil Legal Assistance For Low-Income New Yorkers**

**Based on extensive work** over the past year that the Task Force's Technology Working Group carried out with *pro bono* assistance from technology experts, including in-house private law firm technology staff, the Task Force has three key findings and recommendations: 1) the Task Force urges providers to use a range of free resources to help increase access; 2) based on the Task Force's comprehensive technology survey, the Task Force has identified six pressing areas of need for which urgent, medium-term, and long-term actions should be taken so that providers can enhance their technology systems and client services; and 3) *pro bono* technology assistance from private law firms can be made available to help providers upgrade their technology systems to increase access and meet the needs identified in the survey.

**a. Free Technology Resources Can Help Increase Access To Justice:** As part of its work over the past year, the Task Force compiled information on a range of free and publicly available technology tools, including conference calling services and video linkups. As part of this Report, the Task Force is making this information available to the provider community in Appendix 16 in order to facilitate maximum usage of these free resources, including online materials, and help providers bridge the justice gap.<sup>116</sup>

**b. Areas Of Pressing Need Identified By The Task Force's Survey Should Be Addressed:** In a major initiative in August and September 2013, the Task Force conducted a comprehensive 87-question online technology survey for legal services providers assisting low-income New Yorkers. Approximately 70 providers working in communities throughout New York State answered the survey.<sup>117</sup>

Not surprisingly, given the extreme funding constraints under which providers have been operating, the survey data reveals that most legal services providers have not been able to integrate technology effectively into their day-to-day internal operations and client service delivery. For example, many providers have not been able to have IT staff or a help desk; provide support for mobile technology; include routine technology needs in fiscal planning; and sufficiently leverage technology in the development of advocacy projects.

It is not that legal services providers are simply ignoring the need for technology in the workplace. Rather, many are caught between the need to fully equip their advocates with common technology and the financial constraints of absolute dollars, grant conditions, and contract limitations on technology expenses. By focusing on these gaps in available technology that could enhance and further leverage resources for civil legal assistance, the Task Force's goal is to focus attention on the need for targeted resources apart from Judiciary Civil Legal Services funding to help providers fill technology gaps and meet these urgent needs.

Through its comprehensive survey this year, the Task Force has identified these six key needs that should be addressed to assist providers in maximizing the use of technology to increase access to justice and enhance client services:

### **1. Technology Staffing Is Needed**

The Task Force's survey reveals that a significant number of providers have extremely modest technology staffing, which may be insufficient to meet the needs of their staff. On average, providers spend

less than five percent of their operating budget on technology. Among those with operating budgets under \$10 million, the median percentage of budget spent on technology is approximately three percent. Of the 29 providers reporting less than one technology employee, the median total expense for all staffing (employees and consultants) is only \$15,000.<sup>118</sup>

On an urgent basis, the Task Force recommends that providers assess and survey staff about their technology skills as well as their technology functionality, consulting, and user support needs.<sup>119</sup>

In the medium term, the Task Force recommends that providers share success stories in procuring technology funding through the ongoing meetings of the Statewide Project Directors and New York State Technology Working Group. The Task Force itself will also continue to collect information from providers to highlight funding resources and technology needs.

From a strategic and long-term perspective, the Task Force recommends that providers prioritize technology and cultivate support for it with their staff, Board, and funders. Within the limits of their resources, providers need to hire more technology staff.

## ***2. Technology Policies Should Be Developed***

Only half of survey respondents have technology policies in place and only a few have frequent and active means to educate their staff through, for example, specific technology policy trainings. Technology policy enforcement is largely left to IT staff and consultants, and only approximately 15 percent of providers have an accounting or technology audit.

On an urgent basis, the Task Force recommends that providers immediately work to develop and implement policies that directly address the privacy, security and availability of client information and attorney work product. Such policies should address how the agency protects electronically stored client data; actively manages network and software security; and ensures that data is securely backed up.<sup>120</sup>

In the medium term, drawing on existing best practices or those developed by the Statewide Legal Services Project Directors Group, the Project Director's New York State Technology Working Group or bar associations, the Task Force recommends that providers develop and implement other key policies regarding the use of employee and volunteer owned/controlled technology and services (e.g., tablets, phones, flash drives, Dropbox, etc.) and data retention. Providers should also mandate staff training on technology policies and business continuity protocols. In addition, providers should develop and periodically test business continuity protocols to ensure that the provider is able to reestablish operations within a reasonable time following a business interruption. During the coming year, the Task Force will offer its services to help providers implement best practices in these areas.

From a strategic and long-term perspective, the Task Force recommends that providers develop their own comprehensive technology plan that supports and enhances their delivery of legal assistance to client communities. Ideally, this planning work should be in concert with a provider's program planning. Providers also should hire staff or consultants who can properly audit compliance with technology policies.

## ***3. Core Technology Supports For Legal Services Providers Are Needed***

Given their fiscal constraints, many providers do not furnish staff with mobile devices or reimburse staff for the use of their personal devices, which have become a necessity in modern law practice. Approximately half of the providers have old operating software that is—or soon will be—without support

from Microsoft (e.g., security updates); a significant portion of providers rely on donated used equipment (which tends to be outdated); and many providers complain about a lack of videoconferencing capability. Only approximately half of the providers have adequate remote access for staff and approximately 40 percent do not use cloud-based applications (e.g., for finance, case management, and document drafting), which can provide increased productivity, security, and cost savings. Many providers are not taking full advantage of available cost savings: only 59 percent use [www.techsoup.org](http://www.techsoup.org) and 42 percent use government-negotiated contracts or other group purchasing options. Finally, although beyond the legal services providers' control, the lack of broadband access in rural areas remains problematic for clients and staff to connect with legal resources while in the field.

On an urgent basis, the Task Force recommends that providers ensure that the security of their operating systems is supported by software vendors. Within their funding constraints, providers should increase support for mobile devices where appropriate for their practices. Providers should also ensure that their offices have adequate bandwidth and a backup connectivity plan in case a primary internet connection fails. In addition, providers should take advantage of existing nonprofit and group purchasing opportunities (e.g., [www.techsoup.org](http://www.techsoup.org) and government contracts) and government funders should assist with such efforts.

In the medium term, the Task Force recommends that providers seek to develop baseline technology benchmarks for quality, resilience, capacity, and security. Providers should also develop a financial plan to maintain and support those technology benchmarks. There should be greater group purchasing of hardware, software, web design and document assembly through existing mechanisms such as New York State contracts and private purchasing collectives (e.g., [www.essensa.org](http://www.essensa.org) or [www.micta.org](http://www.micta.org)) and by creating new purchasing collaborations with support from funders and New York State legal services providers.

From a strategic and long-term perspective, the Task Force recommends that legal services providers coordinate their efforts to make the most effective use of technology in the delivery of legal services (e.g., videoconferencing, mobile access by advocates and clients<sup>121</sup>). Providers should ensure that advocacy staff members have access to the digital resources necessary to serve clients, which may require updating hardware and software, support, and training.

#### **4. Community Resources Can Provide Further Support for Providers**

The Task Force has found that providers invest in their websites: 94 percent maintain websites and approximately half are updated at least weekly. The vast majority of providers use free community legal resources (including those with legal research and sample briefs for advocates as well as those with legal information and referrals for unrepresented litigants), but do not invest in these online resources. Only a third of the providers regularly contribute to the substantive content of community online resources—and a third reported that they contributed no substantive content. Significantly, only a small number of providers make financial or in-kind contributions to the primary online resource that is most widely relied upon by unrepresented litigants throughout New York State. Also, few providers are individually or collaboratively developing efficient document assembly programs; only about a third reported using any automated document assembly program (e.g., Hotdocs and/or A2J).

On an urgent basis, the Task Force recommends that providers ensure that the substantive content their organizations develop for the advocacy and client communities is cross-posted with the appropriate

statewide technology resources.<sup>122</sup> Providers should also increase their staff's awareness of existing document assembly tools built for New York State legal services advocates and clients.<sup>123</sup>

In the medium term, the Task Force recommends that providers ensure that staff uses appropriate free statewide technology resources. With respect to serving the client communities, providers should analyze and consider minimizing substantive legal content on their own websites and directing clients to the statewide online resources where appropriate. Providers should also utilize and promote client use of existing document assembly tools and provide feedback so as to increase consistency of legal practice throughout New York State and support the court system's current efforts to standardize forms and processes.

From a strategic and long-term perspective, the Task Force recommends that additional stable funding—apart from the Judiciary Civil Legal Services funding—be secured for statewide technology resources. Providers should collaborate and coordinate in the development and updating of substantive content for these resources, and such resources should be used to develop better and more consistent tools for measuring the use and efficacy of technology services. Statewide technology resources should also develop ways to better integrate and acknowledge—and thereby increase—substantive contributions from individual providers. In addition, providers should engage in collaborative efforts to increase their collective use of automated document assembly in appropriate practice areas.

### ***5. Training Is Needed***

**The Task Force found that most providers offer only modest technology training for staff:** approximately 73 percent provide training, of which approximately 85 percent provide fewer than five hours per year.

On an urgent basis, the Task Force recommends that providers identify and make available existing technology training resources to their staff.<sup>124</sup>

In the medium term, the Task Force recommends that providers assess skill requirements and the skills gap among their staff and mandate additional appropriate technology training. To the extent the court system, bar associations, and the private bar sponsor technology trainings, they should offer free or low-cost attendance to the legal services community.

From a strategic and long-term perspective, the Task Force recommends that providers cooperatively develop more legal services-specific training on common technologies (Word, Excel, legal research, discovery management software, etc.).

### ***6. Social Media Needs Further Development***

**The Task Force found that many providers are using social media,** primarily through their development and communications staff. Only a few providers use social media for client services. Those who have active social media were able to successfully harness it to aid communities affected by Superstorm Sandy.

Given other pressing urgent and medium-term needs, the Task Force's recommendation for social media use is only from a strategic and long-term perspective. From that perspective, the Task Force concludes that the use of social media is an issue to which providers should devote resources after strengthening other aspects of their technology capacity.<sup>125</sup>

**c. Pro Bono Technology Assistance From Private Law Firms Can Help Increase Access And Address The Needs Identified In The Task Force’s Survey:** As part of its technology inquiry, the Task Force gathered information about promising *pro bono* initiatives to help providers enhance their technology systems, which, in turn, can increase access.

One potential area for assistance is *pro bono* help from private law firms. For example, major private law firms have provided technical expertise for The Legal Aid Society’s technology upgrade initiatives, and technology training for Legal Services NYC. Similar efforts have proceeded in Texas.<sup>126</sup>

Over the coming year, the Task Force will focus on these promising initiatives to increase access by means of private law firm *pro bono* assistance for technology enhancements that can help providers address the significant needs identified in the survey.

## **v. Utilization Of Online Conflict Resolution In Appropriate Cases May Help Bridge The Justice Gap**

**In 2011, the Task Force conducted a comprehensive review** of alternative conflict resolution initiatives aimed at averting or reducing litigation. Based on that evaluation, in its 2011 Report, the Task Force recommended the increased use of alternative conflict resolution efforts in appropriate cases as another means to help bridge the access-to-justice gap.

In particular, the Task Force recommended that litigants be advised of the availability of alternative conflict resolution options in appropriate cases. The Task Force also supported initiatives to encourage Judges to make greater use of alternative conflict resolution approaches and to establish a list of qualified mediators as the exclusive list for Judges to use for mediation efforts. The Task Force found that more could be done to educate the bench and bar as well as potential users (the parties) about the benefits of mediation—except in matters involving domestic violence or similar situations where the imbalance in power is inextricably bound up in the legal problem. As described earlier in this Report, the Office of Court Administration has taken steps to implement these approaches.<sup>127</sup>

During 2013, with *pro bono* assistance, the Task Force evaluated the use of new online dispute resolution platforms in Europe as part of its continuing efforts to identify promising alternatives to reduce the justice gap.<sup>128</sup> Such online dispute resolution platforms may well reduce litigation involving represented parties who are not low-income. As part of this new effort, the Task Force recommends that the New York State Unified Court System consider developing an online dispute resolution platform that could be used in appropriate matters involving low-income unrepresented parties—again, not including matters involving domestic violence or similar situations where the imbalance in power is inextricably bound up in the legal problem. Consumer credit matters would be appropriate for such a pilot online dispute resolution initiative, but such an initiative should only be used in cases involving unrepresented low-income parties where participation is voluntary and an unrepresented low-income litigant is explicitly advised on the record by a judge that declining to participate in the online dispute resolution pilot will have no adverse consequences. Even with such limitations, online conflict resolution may be more limited in communities with barriers to public access to the internet, including rural areas that have little or no broadband coverage except in central locations such as courthouses and libraries.

Nevertheless, the Task Force believes that due to the low cost for litigants, the very limited administra-

tive cost of such a program and the flexibility of remote access, there is potential for strong utilization of an online program to resolve a variety of types of disputes involving both unrepresented and represented litigants in consumer debt cases and perhaps other matters. The online dispute resolution (“ODR”) platform could be staffed by volunteer mediators and perhaps law students through law school clinical programs.

To begin the ODR process, a party would report a problem through a web-based program. Both parties would have the ability to upload electronic documents relevant to the matter (*i.e.*, credit card bills or payment statements in the case of a consumer debt matter). The parties would be provided with a virtual chat room in which they could discuss the matter directly, present their positions, and brainstorm resolutions. A record would be kept of the chat room correspondence in case the parties are unable to resolve the conflict on their own. If no resolution is reached, the parties would submit a request for the assistance of a qualified volunteer mediator assigned to the matter. The mediator would review the electronic documents and chat room record, and ask the parties clarifying questions. The mediator could assist by elucidating issues, generating proposed options for resolution (including acceptable payment plans), and opening channels of communication. The elimination of the need for physical spaces in which to hold mediations and the reduced need for administrative staff would allow the cost to remain low and avoid delay.

The primary objective of an ODR program within the New York State Unified Court System would be to resolve cases involving unrepresented litigants and to lower the caseloads of judges overall by using ODR in small matters where both parties are represented. By use of an efficient, out-of-court ODR platform that utilizes a chat room and online filing, various types of civil matters could be resolved in a fraction of the time and at a fraction of the cost. The Task Force believes that for cases involving unrepresented litigants the program should be voluntary. In matters where both parties are represented it could be mandatory. Parties should be advised and the rules should make clear that there will be no adverse action taken if an unrepresented party elects not to participate.

During the coming year, the Task Force plans to work with the Office of Court Administration and others in the legal community to develop a concrete plan for implementing an ODR platform.++ Issues that should be addressed as part of this process include:

- a determination of the cost of creating an ODR platform and identification of available IT providers;
- a determination of the availability of funds from private sources (such as technology foundations) to support the development of an ODR platform that could be a model for other states; and
- development of court rules for a pilot project that would determine: types of cases to be included; courts that would offer the program; procedures for identifying mediators; procedures for participation by low-income litigants on a voluntary basis only; and accessibility to computer terminals for unrepresented litigants in locations such as courthouses and libraries.



**For the foregoing reasons**, the Task Force respectfully requests that the Chief Judge adopt the funding and non-monetary recommendations for action set forth in this Report to continue to implement the multi-year plan to bridge the access-to-justice gap for low-income families and individuals in New York

State. The need to address this justice gap continues to be urgent. As District Attorney Cyrus R. Vance, Jr. put it:

Our greatest asset in our efforts to build safe and stable communities is respect for law. Where the law does not engender respect, no level of police staffing can provide security, no prosecutor or Judge can bring civility to our streets. When people feel disenfranchised from the justice system—when their rights are being trampled, when they are being taken advantage of and victimized, and they have no recourse to the courts to right their wrongs—then the law itself is diminished.<sup>129</sup>

## ENDNOTES

- <sup>1</sup> The 2010, 2011, and 2012 Reports of the Chief Judge’s Task Force, the Appendices to each Report, and other information are available from the Task Force’s website, <http://www.nycourts.gov/ip/access-civil-legal-services/>.
- <sup>2</sup> A list of the members of the Chief Judge’s Task Force to Expand Access to Civil Legal Services is set forth at the beginning of this Report. In addition, the Task Force received extensive assistance from Jessica Klein, Special Counsel for *Pro Bono* and Director of Professional Development at Sullivan & Cromwell LLP, who served as Counsel to the Task Force; Lara J. Loyd and Chiansan Ma, Associates at Sullivan & Cromwell LLP; Mary C. Mone, Counsel to the Chief Judge; and Lauren Kanfer, Assistant Deputy Counsel to the Chief Judge. Sullivan & Cromwell LLP, which has a partner serving on the Task Force, hosted meetings of the Task Force and provided crucial *pro bono* assistance. Three other leading law firms with partners who serve on the Task Force also provided invaluable *pro bono* assistance: Proskauer Rose LLP; Simpson Thacher & Bartlett LLP; and Skadden, Arps, Slate, Meagher & Flom LLP. A full listing of those who provided *pro bono* assistance is annexed as Appendix 1.
- <sup>3</sup> The full text of the legislative resolution requesting these recommendations is annexed to the Task Force’s 2010 Report as Appendix 3. 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 3 (2010), available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-Appendices.pdf>.
- <sup>4</sup> See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 26–28 (2010) [hereinafter 2010 TASK FORCE REPORT], available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.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 17 (2010), available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-Appendices.pdf> (findings from statewide survey of low income New York residents, conducted by Lake Research Partners).
- <sup>5</sup> See 2010 TASK FORCE REPORT, *supra* note 4, at 27–28; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 15 (2011) [hereinafter 2011 TASK FORCE REPORT], available at [http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-2011TaskForceREPORT\\_web.pdf](http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-2011TaskForceREPORT_web.pdf); TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 14–15 (2012) [hereinafter 2012 TASK FORCE REPORT], available at [http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT\\_Nov-2012.pdf](http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT_Nov-2012.pdf).
- <sup>6</sup> Based on figures made available to the Task Force by the Office of Court Administration.
- <sup>7</sup> Based on figures made available to the Task Force by IOLA. For further information, see generally IOLA FUND OF THE STATE OF NEW YORK, <http://www.iola.org> (last visited Nov. 14, 2013).
- <sup>8</sup> 2011 TASK FORCE REPORT, *supra* note 5, at 23–24.
- <sup>9</sup> *Id.* at 25–26.
- <sup>10</sup> The full text of Chief Judge Lippman’s 2010 Law Day speech is annexed to the Task Force’s 2010 Report as Appendix 1. 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), available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-Appendices.pdf>.
- <sup>11</sup> See, e.g., STATE BAR OF CAL. TASK FORCE ON ADMISSIONS REGULATION REFORM, PHASE I FINAL REPORT 11, 25 (2013) [hereinafter CAL. TASK FORCE REPORT], available at [http://www.calbar.ca.gov/Portals/0/documents/publicComment/2013/2013\\_StateBarTaskForceReportFINALAPPROVED6-11-13.pdf](http://www.calbar.ca.gov/Portals/0/documents/publicComment/2013/2013_StateBarTaskForceReportFINALAPPROVED6-11-13.pdf) (describing New York’s 50-hour *pro bono* requirement for bar admission as “a path-breaking way to enhance the competency skills training of new lawyers and address the access to justice crisis”, and recommending that California bar applicants be required to contribute 50 hours of legal services in the *pro bono* or modest means areas); REPORT OF THE WORKING GROUP ON THE PROPOSED PREADMISSION *PRO BONO* REQUIREMENT 1, 6 (2013), available at <http://www.judiciary.state.nj.us/notices/2013/n130516aREPORT.pdf> (report commissioned by the New Jersey Supreme Court, recommending that New Jersey bar

applicants be required to perform 50 hours of *pro bono* service prior to admission, and noting that the establishment of New York's *pro bono* requirement for bar admission was one of the factors in the Supreme Court's consideration of such a requirement).

- <sup>12</sup> *The Chief Judge's Hearing on Legal Services, Fourth Dep't, Oct. 3, 2013 (remarks of Hon. Chief Judge Jonathan Lippman, at 2:07–6:07).*
- <sup>13</sup> The 2013 Request For Proposals, notice of the issuance of the Request for Proposals, and a list of current grant awards and recipients are annexed as Appendix 2, Appendix 3, and Appendix 4, respectively.
- <sup>14</sup> See Appendix 4.
- <sup>15</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013 (testimony of Hon. Fern Fisher, Deputy Chief Administrative Judge for the New York City Courts and Director of the New York State Courts Access to Justice Program, at 70:08–17).*
- <sup>16</sup> *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Hon. Michael V. Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City and Supreme Court Justice, Sixth Judicial District, at 90:09–91:18).*
- <sup>17</sup> See *infra* Part B.III; 2011 TASK FORCE REPORT, *supra* note 5, at 27–28.
- <sup>18</sup> Joint Order of the Supreme Court, Appellate Division, N.Y. ORDER 13-0013 (West) (Apr. 23, 2013) (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 poor persons), *available at* <http://www.nycourts.gov/attorneys/probono/1200-6.1.pdf>; Administrative Order of the Chief Administrative Judge of the Courts AO/135a/13, N.Y. ORDER 13-0012 (West) (April 22, 2013) (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), *available at* <http://www.nycourts.gov/ATTORNEYS/probono/AO-135a-13.pdf>.
- <sup>19</sup> The proposed revision would amend Section 100.3 of the New York Code of Judicial Conduct, 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. Memorandum from John W. McConnell, Counsel, Office of Court Admin., N.Y. State Unified Court Sys., regarding proposed amendment of New York's Code of Judicial Conduct (22 NYCRR 100.3(B)(12)), relating to a judge's role in facilitating the ability of unrepresented litigants to have their matters fairly heard (January 24, 2013), *available at* <http://www.nycourts.gov/RULES/comments/PDF/Rule100-3B12PC-Packet.pdf>.
- <sup>20</sup> In July 2013, Chief Judge Lippman announced the formation of a Committee to Facilitate *Pro Bono* Efforts of In-House Counsel in New York. Press Release, N.Y. State Unified Court Sys., Chief Judge Names Committee to Facilitate *Pro Bono* Efforts of In-House Counsel in NY (July 17, 2013), *available at* [www.nycourts.gov/press/PDFs/PR13\\_08.pdf](http://www.nycourts.gov/press/PDFs/PR13_08.pdf). The Committee, which is chaired by Senior Associate Judge Victoria Graffeo of the New York Court of Appeals, has developed a State practice rule to afford registered in-house counsel the opportunity to participate in *pro bono* services.
- <sup>21</sup> The Forum on the Advancement of Court Technology named the Office of Court Administration's website, <http://www.nycourts.gov>, as one of its 2013 Top Ten Court Websites. *Announcing the 2013 Top Ten Court Websites Award Winners*, FORUM ON THE ADVANCEMENT OF COURT TECH. (July 24, 2013), <http://court-fact.org/announcing-the-2013-top-ten-websites-award-winners/>.
- <sup>22</sup> *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Hon. Michael V. Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City and Supreme Court Justice, Sixth Judicial District, at 96:20–97:03).*
- <sup>23</sup> See *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (statement of Hon. Michael V. Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City and Supreme Court Justice, Sixth Judicial District, at 4–5).*
- <sup>24</sup> See Press Release, N.Y. State Unified Court Sys., Chief Judge Names Committee Charged with Examining How

Non-Lawyer Advocates Can Help Narrow New York's Justice Gap (May 28, 2013), available at [http://www.nycourts.gov/press/PDFs/PR13\\_07.pdf](http://www.nycourts.gov/press/PDFs/PR13_07.pdf); Joel Stashenko, *Non-Lawyers May Be Given Role in Closing the New York's 'Justice Gap'*, 249 N.Y. L.J. 102 (2013), available at <http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202601857889>.

- <sup>25</sup> See *Alternative Dispute Resolution*, N.Y. STATE UNIFIED COURTS SYS., <http://www.nycourts.gov/ip/adr/index.shtml> (last updated Aug. 14, 2013).
- <sup>26</sup> See N.Y. COMP. CODES R. & REGS. tit. 22, § 520.16 (2013).
- <sup>27</sup> See N.Y. COMP. CODES R. & REGS. tit. 22, § 118.1(g) (2013) (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 COURTS SYS., <http://www.nycourts.gov/attorneys/volunteer/emeritus/rsaa/> (last visited Nov. 14, 2013).
- <sup>28</sup> This non-monetary, collaborative initiative to expand civil legal assistance in rural areas was discussed initially at the Chief Judge's 2012 Second Department hearing by William C. Silverman, the *pro bono* coordinator at the New York City office of Greenberg Traurig LLP, who conceived of the program in 2006 when it began as a court-based project. The initiative to use computer technology for remote access began in Staten Island in 2012. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 4, 2012 (testimony of William C. Silverman, Esq., Shareholder and Head of Pro Bono Program, Greenberg, Traurig, LLP, at 115:07-116:06)*. At the Chief Judge's Fourth Department hearing in Buffalo on October 3, 2013, the Hon. Craig J. Doran, the Administrative Judge for the Seventh Judicial District in Syracuse, testified as to the value and growth potential of using remote access to address the unmet needs of low-income New Yorkers living in rural counties. *Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 2, 2012 (testimony of Hon. Craig J. Doran, Administrative Judge for the Seventh Judicial District in Syracuse, at 127:07-128:10)*.
- <sup>29</sup> A copy of the notice of the Chief Judge's civil legal services hearings that was posted on the Unified Court System's website is annexed as Appendix 5.
- <sup>30</sup> A witness list for each of the Chief Judge's four hearings is annexed as Appendix 6. Transcripts of the oral testimony at the four hearings are annexed as Appendix 7 (for the Third Department Hearing held September 17, 2013), Appendix 8 (for the First Department Hearing held September 19, 2013), Appendix 9 (for the Second Department Hearing held October 1, 2013), and Appendix 10 (for the Fourth Department hearing held October 3, 2013). Written testimony submitted for the four hearings is annexed as Appendix 11 (for the Third Department Hearing), Appendix 12 (for the First Department Hearing), Appendix 13 (for the Second Department Hearing), and Appendix 14 (for the Fourth Department Hearing).
- <sup>31</sup> See *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Oct. 1, 2013 (testimony of His Eminence Timothy Cardinal Dolan, Archbishop of New York)*.
- <sup>32</sup> See, e.g., *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 7, 2010 (testimony of Hon. Charles Hynes, District Attorney, Kings County)*; *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 27, 2012 (testimony of Eric Schneiderman, Attorney General of the State of New York)*; *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Oct. 1, 2012 (testimony of Hon. Christine C. Quinn, Speaker, New York City Council)*; *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 4, 2012 (testimony of Kathleen M. Rice, Nassau County District Attorney)*.
- <sup>33</sup> See, e.g., *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 28, 2010 (testimony of Michael S. Helfer, General Counsel, Citigroup)*; *Michael P. Smith, President and CEO, New York Bankers Assoc.*; *Joseph Strassburg, President, Rent Stabilization Association*; *Kathryn S. Wylde, President and CEO, Partnership for New York City*; *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 5, 2010 (testimony of Steven T. Longo, the Executive Director, Albany Housing Authority)*; *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Sept. 20, 2011 (testimony of William M. Savino, Managing Partner, Rivkin Radler LLP, Member of the Board, Long Island Association)*; *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 26, 2011 (statement of Donna Cirolia, Regional Vice President for Public Affairs and Communications, Coca-Cola Refreshments USA, Inc.)*; *Craig L. Reicher, Vice Chairman, CB Richard Ellis, Inc.*; *Deborah C. Wright, Chairman and CEO, Carver Federal Savings Bank*; *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (testimony of James J. Barba, President and CEO, Albany Medical Center)*; *Buckmaster de Wolf, General Counsel, GE Global Research*.

- <sup>34</sup> *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Sept. 17, 2013 (testimony of Hon. Thomas P. DiNapoli, New York State Comptroller, at 15:03–16:04).*
- <sup>35</sup> *Id.* at 11:07–14:11.
- <sup>36</sup> *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 19, 2013 (testimony of Dr. Elizabeth Becker, Senior Vice President, NERA Economic Consulting, at 61:15–67:10).*
- <sup>37</sup> *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 19, 2013 (testimony of Merryl H. Tisch, Chancellor, New York State Board of Regents, at 12:10–13).*
- <sup>38</sup> *Id.* at 13:23–14:22.
- <sup>39</sup> *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Oct. 1, 2013 (testimony of Michael A. Cardozo, New York City Corporation Counsel, at 16:10–11).*
- <sup>40</sup> *Id.* at 16:04–11.
- <sup>41</sup> *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Oct. 1, 2013 (testimony of Hon. Scott J. Mandel, City Council President, City of Long Beach, at 40:21–25).*
- <sup>42</sup> *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Oct. 1, 2013 (statement of Hon. Richard Schaffer, Supervisor, Town of Babylon, at 1–2).*
- <sup>43</sup> *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Oct. 1, 2013 (testimony of Michael M. Weinstein, Chief Program Officer, Robin Hood Foundation, at 100:22–101:03).*
- <sup>44</sup> *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Oct. 1, 2013 (testimony of Klaus H. Jacob, Ph.D., Professor, Lamont-Doherty Earth Observatory, Columbia University, at 28:11–22).*
- <sup>45</sup> *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Oct. 1, 2013 (testimony of David H.K. Nguyen, Director, Disaster Legal Services Program, Young Lawyers Division, American Bar Association, at 105:16–112:05).*
- <sup>46</sup> *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 3, 2013 (testimony of Mark C. Poloncarz, County Executive, Erie County, at 36:14–20).*
- <sup>47</sup> *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 3, 2013 (testimony of Catherine M. Mackay, Director, Cattaraugus County Department of the Aging/NY Connects, at 44:11–13).*
- <sup>48</sup> *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 19, 2013 (testimony of Wendy Z. Goldstein, President and CEO, Lutheran HealthCare, and Dr. David L. Reich, President and Chief Operating Officer, Mount Sinai Hospital; Horace W. Goldsmith Professor and Chair of Anesthesiology, Icahn School of Medicine at Mount Sinai, at 24:03–39:24).*
- <sup>49</sup> *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 19, 2013 (testimony of Dr. David L. Reich, President and Chief Operating Officer, Mount Sinai Hospital; Horace W. Goldsmith Professor and Chair of Anesthesiology, Icahn School of Medicine at Mount Sinai, at 33:15–21).*
- <sup>50</sup> *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, September 19, 2013 (testimony of Wendy Z. Goldstein, President and CEO, Lutheran HealthCare, at 33:23–34:13).*
- <sup>51</sup> *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 3, 2013 (statement of Joseph Fruscione, Vice President and Commercial Branch Manager, M&T Bank, at 2–3).*
- <sup>52</sup> *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 3, 2013 (testimony of Miguel Santos, Consumer Advocate, National Grid, at 77:17–78:15).*
- <sup>53</sup> *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Sept. 17, 2013 (statement of Mark N. Eagan, President and CEO, Albany-Colonie Regional Chamber of Commerce, at 3).*

- <sup>54</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (statement of Denise V. Gonick, President and CEO, MVP Health Care, at 3).*
- <sup>55</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (statement of Hon. Carmelo M. Laquidara, City Court Judge, Rensselaer City Court, at 2).*
- <sup>56</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (statement of Hon. Margaret T. Walsh, Family Court, Albany County; Acting Supreme Court Justice, Third Judicial District, at 3).*
- <sup>57</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013 (testimony of Carey R. Dunne, President, New York City Bar Association; Partner, Davis Polk & Wardwell LLP, at 75:01–81:21); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Seymour W. James, Jr., Immediate Past President, New York State Bar Association; Attorney-in-Charge of the Criminal Practice, The Legal Aid Society, at 85:22–87:18); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Martha Krisel, Second Vice President and Access to Justice Chair, Nassau County Bar Association; Chief Deputy County Attorney for Special Projects, Nassau County, at 78:09–82:07); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Miriam A. Buhl, Pro Bono Counsel, Weil Gotshal & Manges LLP, at 82:17–84:23); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of David H.K. Nguyen, Director, Disaster Legal Services Program, Young Lawyers Division, American Bar Association, at 93:01–101:24).*
- <sup>58</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (testimony of Penelope E. Andrews, Dean and President, Albany Law School, at 28:19–38:25); The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Makau W. Mutua, SUNY Buffalo Law School Dean, Distinguished Professor and Floyd H. and Hilda L. Hurst Faculty Scholar, at 17:01–25:20); The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Kerisha Hawthorne, SUNY Buffalo Law Student, at 25:21–29:07); The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Emily A. Dinsmore, SUNY Buffalo Law Student, at 29:18–32:11).*
- <sup>59</sup> *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (statement of Mary Brosnahan, President and CEO, Coalition for the Homeless, at 3–4); The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Dennis C. Walczyk, CEO, Catholic Charities of Buffalo, at 69:22–73:23); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Catherine M. Lyle, Foreclosure Counselor, Margert Community Corporation, at 72:12–76:08).*
- <sup>60</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (testimony of Joseph P. Sluszka, Executive Director, Albany Housing Coalition, Inc., Veterans Housing and Services, and Courtney Slade, Veterans Justice Outreach Coordinator, Albany VA Medical Center, at 71:05–82:04).*
- <sup>61</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, September 19, 2013 (statement of Cyrus R. Vance, Jr., District Attorney, New York County, at 2–3).*
- <sup>62</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013 (remarks of Chief Judge Jonathan Lippman, at 4:22–25); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (statement of The Legal Aid Society, at 3).*
- <sup>63</sup> *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (statement of The Legal Aid Society, at 3–4); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (statement of Seymour W. James, Jr., Immediate Past President, New York State Bar Association; Attorney-in-Charge of the Criminal Practice, The Legal Aid Society, at 1–8).*
- <sup>64</sup> See 2010 TASK FORCE REPORT, *supra* note 4, at 20–26; 2011 TASK FORCE REPORT, *supra* note 5, at 23–29; 2012 TASK FORCE REPORT, *supra* note 5, at 18–25.
- <sup>65</sup> Based on figures made available to the Task Force by IOLA. For further information, see generally IOLA FUND OF THE STATE OF NEW YORK, <http://www.iola.org> (last visited Nov. 14, 2013).
- <sup>66</sup> See 2013 HHS Poverty Guidelines: One Version of the [U.S.] Federal Poverty Measure, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, <http://aspe.hhs.gov/poverty/13poverty.cfm> (last updated Jan. 24, 2013).

- <sup>67</sup> *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Klaus H. Jacob, Ph.D., Professor, Lamont-Doherty Earth Observatory, Columbia University, at 28:05–30:25). See also The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Hon. Michael A. Cardozo, New York City Corporation Counsel, at 8:03–26:16); The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Michael M. Weinstein, Chief Program Officer, Robin Hood Foundation, at 95:19–99:19).*
- <sup>68</sup> See *supra* note 4.
- <sup>69</sup> Based on figures made available to the Task Force by IOLA. For further information, see generally IOLA FUND OF THE STATE OF NEW YORK, <http://www.iola.org> (last visited Nov. 14, 2013).
- <sup>70</sup> See *Poverty Status in the Past 12 Months, 2012 American Community Survey 1-Year Estimates*, UNITED STATES CENSUS BUREAU, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_12\\_1YR\\_S1701&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_S1701&prodType=table) (last visited Nov. 14, 2013); *Poverty Status in the Past 12 Months, 2011 American Community Survey 1-Year Estimates*, UNITED STATES CENSUS BUREAU, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_11\\_1YR\\_S1701&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_S1701&prodType=table) (last visited Nov. 14, 2013).
- <sup>71</sup> *Poverty Status in the Past 12 Months, 2012 American Community Survey 1-Year Estimates*, UNITED STATES CENSUS BUREAU, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_12\\_1YR\\_S1701&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_S1701&prodType=table) (last visited Nov. 14, 2013); *Poverty Status in the Past 12 Months, 2011 American Community Survey 1-Year Estimates*, UNITED STATES CENSUS BUREAU, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_11\\_1YR\\_S1701&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_S1701&prodType=table) (last visited Nov. 14, 2013).
- <sup>72</sup> This chart is based on the Federal Poverty Guidelines for 2013, which can be found at the U.S. Department of Health and Human Services website. See *2013 HHS Poverty Guidelines: One Version of the [U.S.] Federal Poverty Measure*, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, <http://aspe.hhs.gov/poverty/13poverty.cfm> (last updated Jan. 24, 2013).
- <sup>73</sup> See, e.g., 2012 TASK FORCE REPORT, *supra* note 5, at 15; 2010 TASK FORCE REPORT, *supra* note 4, at 1.
- <sup>74</sup> HON. A. GAIL PRUDENTI, 2013 REPORT OF THE CHIEF ADMINISTRATOR OF THE COURTS PURSUANT TO CHAPTER 507 OF THE LAWS OF 2009, at 3–4 (2013).
- <sup>75</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (testimony of Hon. Margaret T. Walsh, Family Court, Albany County; Acting Supreme Court Justice, Third Judicial District, at 64:25–65:15).*
- <sup>76</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (testimony of Hon. Carmelo M. Laquidara, City Court Judge, Rensselaer City Court, at 59:02–05).*
- <sup>77</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (statement of Mark N. Eagan, President and CEO, Albany-Colonie Regional Chamber of Commerce, at 3).*
- <sup>78</sup> Based on figures made available to the Task Force by IOLA. For further information, see generally IOLA FUND OF THE STATE OF NEW YORK, <http://www.iola.org> (last visited Nov. 14, 2013).
- <sup>79</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (testimony of Michael O'Donnell, client of Legal Aid Society of Northeastern New York, at 83:09–89:16).*
- <sup>80</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (testimony of Tia Sullivan Hock on behalf of Michael DeBenedetti, client of The Legal Project, at 96:17–99:23).*
- <sup>81</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (testimony of Laurie Schaible, client of Empire Justice Center, at 89:20–93:01).*
- <sup>82</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 17, 2013 (testimony of Jason Keller, client of Legal Aid Society of Northeastern New York, at 93:13–96:06).*
- <sup>83</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013 (testimony of Jerome Young, client of Legal Services NYC, at 84:17–87:15).*

- <sup>84</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013 (testimony of Maria Perez, client of The Legal Aid Society's Harlem Community Law Office, at 81:25–84:16). See also The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013 (statement of Maria Perez, client of The Legal Aid Society's Harlem Community Law Office, at 1–2).*
- <sup>85</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013 (testimony of Miriam Tangara, client of Northern Manhattan Improvement Corporation, at 87:19–93:09).*
- <sup>86</sup> *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Nicholas Dorman, first responder; client of New York Legal Assistance Group, at 53:12–57:25).*
- <sup>87</sup> *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Cesar and Maria Lopez, clients of Queens Legal Services, at 58:01–62:14).*
- <sup>88</sup> *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Huan Qiang Lin, client of The Legal Aid Society, Queens Neighborhood Office, at 63:03–66:17). See also The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (statement of Huan Qiang Lin, client of The Legal Aid Society, Queens Neighborhood Office, at 1–2).*
- <sup>89</sup> *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 1, 2013 (testimony of Milagros Garcia, client of The Legal Aid Society of Rockland County, Inc., at 66:18–70:24).*
- <sup>90</sup> *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Diane Butler, client of Legal Assistance of Western New York, at 53:06–61:05).*
- <sup>91</sup> *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Ursula M. Anderson, client of Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc., at 61:09–67:01).*
- <sup>92</sup> *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (testimony of Richard Hesse, client of The Legal Aid Bureau of Buffalo, Inc., at 67:03–69:06). See also The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 3, 2013 (statement of Richard Hesse, client of The Legal Aid Bureau of Buffalo, Inc., at 1).*
- <sup>93</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 26, 2011 (statement of Geeta Singh, Principal, Cornerstone Research, at 7). See also 2011 TASK FORCE REPORT, supra note 5, at 25. Applying the independent Cornerstone analysis of the cost savings resulting from providing legal assistance to prevent evictions to the most recent eviction prevention data for civil legal services providers, IOLA has found that the annual cost savings continues to be \$116 million. For further information, see generally IOLA FUND OF THE STATE OF NEW YORK, <http://www.iola.org> (last visited Nov. 14, 2013).*
- <sup>94</sup> *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, September 17, 2013 (testimony of Hon. Thomas P. DiNapoli, New York State Comptroller, at 15:13–16:08).*
- <sup>95</sup> *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013 (statement of Dr. Elizabeth Becker, Senior Vice President, NERA Economic Consulting).*
- <sup>96</sup> *See generally U. S. DEP'T OF COMMERCE, REGIONAL MULTIPLIERS: A USER HANDBOOK FOR THE REGIONAL INPUT-OUTPUT MODELING SYSTEM (RIMS II) (3rd ed. 1997), available at <http://www.bea.gov/scb/pdf/regional/perinc/meth/rims2.pdf>. New York State calculations provided by the IOLA Fund of the State of New York.*
- <sup>97</sup> *Curtis S. Dubay, Federal Tax Burdens and Expenditures by State: Which States Gain Most from Federal Fiscal Operations?, TAX FOUND. SPECIAL REP., no. 139, Mar. 2006, at 3, available at <http://taxfoundation.org/article/federal-tax-burdens-and-expenditures-state>.*
- <sup>98</sup> *See 2012 TASK FORCE REPORT, supra note 5, at 25. See also The Chief Judge's Hearing on Civil Legal Services, First Dep't, October 1, 2012 (statement of Dr. Elizabeth Becker, Senior Vice President, NERA Economic Consulting, at 2).*
- <sup>99</sup> *Shirley H. Liu, The Effect Parental Divorce and Its Timing on Child Educational Attainment: A Dynamic Approach (University of Miami Working Paper, 2007), available at [http://moya.bus.miami.edu/~sliu/Research\\_files/divorce\\_timing.pdf](http://moya.bus.miami.edu/~sliu/Research_files/divorce_timing.pdf).*

- <sup>100</sup> See SOC. SEC. ADMIN., OFFICE OF RET. AND DISABILITY POLICY, OASDI BENEFICIARIES BY STATE AND COUNTY, 2012, at 2–3 (2012), available at [www.ssa.gov/policy/docs/statcomps/oasdi\\_sc/2012/oasdi\\_sc12.pdf](http://www.ssa.gov/policy/docs/statcomps/oasdi_sc/2012/oasdi_sc12.pdf).
- <sup>101</sup> See *Current Population Survey Annual Social and Economic Supplement: Income, Poverty and Health Insurance in the United States, Percentage of People in Poverty by State Using 2- and 3-Year Averages: 2008–2009 and 2010–2011*, UNITED STATES CENSUS BUREAU, <http://www.census.gov/hhes/www/poverty/data/incpovhlth/2011/tables.html> (last visited Nov. 14, 2013).
- <sup>102</sup> *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 19, 2013* (statement of Dr. Elizabeth Becker, Senior Vice President, NERA Economic Consulting, at 10).
- <sup>103</sup> For example, Brooklyn Law School, New York Law School and New York University School of Law are among the law schools that have recently announced programs or pilots that offer students expedited tracks to graduation and curriculum offerings intended to produce graduates ready to begin practice and fulfill their public service responsibilities. See Press Release, Brooklyn Law School Creates the First Accelerated 2-Year J.D. Program in New York Metro Area (May 8, 2013), available at <http://www.brooklaw.edu/newsandevents/news/2013/05-08-2013a.aspx?>; Press Release, New York Law School Announces Two year Honors Program (September 5, 2013), available at <http://www.nyls.edu/news-and-events/new-york-law-school-announces-two-year-honors-program/>; Peter Lattman, *N.Y.U. Law Program Plans Overhaul of Students’ Third Year*, N.Y. TIMES, Oct. 17, 2012, at B1.
- <sup>104</sup> See generally, Eileen D. Millett & Eileen R. Kaufman, *The Future of Legal Education & Admission to the Bar*, 85 NEW YORK ST. B. ASS’N 7 (2013).
- <sup>105</sup> See Am. Bar Ass’n Task Force on the Future of Legal Educ., Draft Report and Recommendations (Sept. 20, 2013) (unpublished draft), available at [http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/taskforcecomments/task\\_force\\_on\\_legaleducation\\_draft\\_report\\_september2013.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/taskforcecomments/task_force_on_legaleducation_draft_report_september2013.authcheckdam.pdf); see also Memorandum from Hon. Solomon Oliver, Jr., Chairperson, Council of the Am. Bar Ass’n Section of Legal Educ. and Admissions to the Bar & Barry A. Currier, Managing Dir. Of Accreditation and Legal Educ., Council of the Am. Bar Ass’n Section of Legal Educ. and Admissions to the Bar, regarding Matters for Notice and Comment (Sept. 10, 2013), available at [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/201309\\_notice\\_comment\\_criteria\\_accepting\\_credit\\_student\\_study\\_for\\_eign\\_institution.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201309_notice_comment_criteria_accepting_credit_student_study_for_eign_institution.authcheckdam.pdf) (proposing revisions to ABA criteria for accepting credit for foreign study).
- <sup>106</sup> The complete Report of the Task Force’s Working Group on Law School Involvement is annexed as Appendix 15.
- <sup>107</sup> 2012 TASK FORCE REPORT, *supra* note 5, at 29.
- <sup>108</sup> See Appendix 15, at 31–35.
- <sup>109</sup> See *id.* at 26–28.
- <sup>110</sup> The Massachusetts Access to Justice Commission unanimously adopted a proposal that “access to justice” be added as one of the topics on the bar examination, stating that such inclusion would increase the preparation students receive during law school on access to justice issues. See Proposal from the Mass. Access to Justice Comm’n regarding Addition of “Access to Justice” Topic to the Massachusetts Bar Examination (June 6, 2013), available at <http://www.massaccesstojustice.org/> (last visited Nov. 18, 2013).
- <sup>111</sup> The Task Force on Admissions Regulation Reform of the California State Bar has proposed that 15 units of practice-based experiential course work or comparable bar-approved externship, clerkship or apprenticeship, in addition to *pro bono* service, be required for bar admission. See CAL. TASK FORCE REPORT, *supra* note 11, at 16.
- <sup>112</sup> In December, 2012, the Arizona Supreme Court adopted an experimental rule, in effect until 2015, to allow students to take the bar examination after the first semester of the third year of law school. See Sally M. Rider & Marc L. Miller, *The 3L February Bar Exam: An Experiment Under Way in Arizona*, B. EXAMINER, Sept. 2013, at 15, available at [http://www.ncbex.org/assets/media\\_files/Bar-Examiner/articles/2013/820313RiderMiller.pdf](http://www.ncbex.org/assets/media_files/Bar-Examiner/articles/2013/820313RiderMiller.pdf).
- <sup>113</sup> See Appendix 15, at 12–14.
- <sup>114</sup> *Id.* at 16–18.

- <sup>115</sup> See *supra* note 24.
- <sup>116</sup> See the report of the Task Force’s Technology Working Group, annexed as Appendix 16, under “Tech Tools, Trends, and Tips for Legal Services Providers”.
- <sup>117</sup> The 70 providers who responded have operating budgets ranging in size from \$60,000 to \$200,000,000; and approximately 26 providers serve New York City; 38 serve upstate New York and Long Island; and five provide services across all of New York State. See Appendix 16, under “Technology Survey of New York State Legal Services Providers”, at 1.
- <sup>118</sup> *Id.*
- <sup>119</sup> Online resources to help providers gauge their technology staff or outsourcing needs and set appropriate benchmarks as compared with other non-profits and law firms include: the NTEN non-profit survey; ILTA’s law firm survey; and Workforce.com corporate IT staffing averages. See, e.g., NONPROFIT TECH. NETWORK, THE 7TH ANNUAL NONPROFIT TECHNOLOGY STAFFING AND INVESTMENTS REPORT (2013), available at [http://www.nten.org/research/download\\_it\\_staffing\\_2012](http://www.nten.org/research/download_it_staffing_2012); INT’L LEGAL TECH. ASS’N, ILTA’S 2011 STAFFING SURVEY RESULTS (2012), available at <http://epubs.il-tanet.org/i/53573>; *Ratio of IT Staff to Employees*, WORKFORCE.COM (Feb. 6, 2013), <http://www.workforce.com/articles/ratio-of-it-staff-to-employees>. Info-Tech, an IT research group, has designed a calculator to help firms develop a more customized IT staffing ratio goal. See *Help Desk Staffing Ratio Circulator for SMEs*, INFOTECH.COM (Feb. 11, 2010), <http://www.infotech.com/research/ss/get-started-bringing-order-to-help-desk-request-chaos/help-desk-staffing-ratio-calculator-for-smes>. For additional information on factors that affect IT staffing needs across organizations, see Doron Gordon, *What’s the Average Service Desk to Employee Ratio?*, SAMANAGE BLOG (March 21, 2013), <http://www.samanage.com/blog/2013/03/whats-the-average-service-desk-to-employee-ratio/>.
- <sup>120</sup> See Appendix 16, under “Tech Tools, Trends, and Tips for Legal Services Providers”, at 37–46.
- <sup>121</sup> See *id.* at 30–36.
- <sup>122</sup> See Appendix 16, under “Review of Online Resources for NYS legal services Providers”.
- <sup>123</sup> See, e.g., LAWHELPINTERACTIVE, <https://lawhelpinteractive.org/> (last visited Nov. 15, 2013); *Public benefits Interactive Forms*, LAWHELPNY.ORG, <http://www.lawhelpny.org/public-benefits-interactive-forms> (last visited Nov. 15, 2013). Further resources are described in Appendix 16, under “Tech Tools, Trends, and Tips for Legal Services Providers”.
- <sup>124</sup> See Appendix 16, under “Technology Survey of New York State Legal Services Providers”, at 5.
- <sup>125</sup> See *id.* at 6.
- <sup>126</sup> See the Introduction to Appendix 16, at ii.
- <sup>127</sup> See *supra* Part A.2.
- <sup>128</sup> The complete Report of the Task Force’s Working Group on Alternative Dispute Resolution is annexed as Appendix 17.
- <sup>129</sup> *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 19, 2013 (statement of Cyrus R. Vance, Jr., District Attorney, New York County, at 10–11)*.



