

## **Fund for Modern Courts**

### **Janet Sabel Remarks**

**October 21, 2024**

Thank you Chief Judge Wilson for your very kind introduction, and thank you for your inspired leadership of the courts and commitment to making them responsive and accessible to all New Yorkers.

Thank you Bill (Silverman) and the distinguished Board of the Fund for Modern Courts for conferring the Fern Schair Public Service award on me.

Denise (Kronstadt) - it's amazing what you and your staff do every day to advance the noble mission of the Fund for Modern Courts. And thank you for making this such a lovely event.

I couldn't be happier to share this evening with my co-honoree Susan Kohlmann who has been a most thoughtful leader of the City Bar and advocate for underrepresented groups in the Bar.

I am deeply honored to receive the Fund for Modern Courts' Public Service Award named after former Fund for Modern Courts' Board Chair Fern Schair.

Fern Schair was a visionary - a leader in the legal services community, the Bar and a change maker. She led efforts at the Fund for Modern Courts to improve the courts, created a model for representing children involved in the child welfare system, was Chair of the Board of Legal Services NYC, and was a founding Chair of the Advisory Board of the Feerick Center for Social Justice.

Fern Schair had the courage to challenge the status quo. In 2013, Chief Judge Lippman named her Co-Chair (along with Roger Maldonado) of the "Committee on Non-Lawyers and the Justice Gap" - one of the earliest efforts in our state to consider the role that appropriately trained and qualified non-lawyer advocates can play in bridging the Justice Gap.

She and the Committee understood that the Justice Gap cannot be addressed exclusively by hiring more lawyers, and that we need to find other creative ways to expand the pool of legal problem solvers.

This innovative thinking hit up against opposition (as innovation always does)- from concerns about ensuring quality of Justice Workers to important questions about the impact on law practices from a new cadre of legal workers

But times have changed and our understanding of the facts have changed. Several states have begun to experiment with expanding legal roles beyond lawyers and the results are promising.

We now know that despite the successes of the civil Right to Counsel efforts in New York, and elsewhere, the Justice Gap persists. Depending on the state and the court, anywhere from 50% to 90% of state civil court litigants are self-represented. Simply put - there will never be enough lawyers to take on the work that's needed.

In the last 10 years, not only have we gained a clearer understanding of the scope of the problem but we now have data and academic studies documenting the experiences and needs of everyday people who are confronted with these justice problems.

We now know that in addition to generalized information, people want particularized information and personalized guidance.

We now know that they are happy to use technology, and even favor increased use of remote proceedings.

And we now know that they do not turn to lawyers as their front line for help! What we lawyers characterize as legal problems, everyday people see as life problems - and they want to solve them quickly before they turn into legal problems. It's not just the paucity of lawyers, the difficulty connecting with them or the expense of getting a lawyer - although these are real barriers that must be addressed - it's that community members, clergy, justice workers, family and friends are more accessible and more apt to provide the assistance people seek.

I encourage the whole legal community to take up the challenge that Fern Schair had the courage to lay before us over 10 years ago and join in efforts to create a substantial pool of trained and certified community based advocates who can provide limited legal advice and counsel to everyday New Yorkers that

will complement and supplement the critical work of legal services lawyers and the private bar.

This is a long game strategy. And with all long game strategies, it requires buy-in and creativity and an appetite for change and reform from the courts, the private bar, and advocacy communities along with deeper engagement with community members and court users

The Fund for Modern Courts knows how this works. The Fund for Modern Courts has always been at the forefront of long game innovation - from court simplification, to Family Court reform, to open courts, the Fund for Modern Courts has set the agenda and provided the data and policy vision to promote game changing court reform.

The critical work of the Fund for Modern Courts is fueled by the help it receives from your law firms. The more support and person power you lend to do data collection and generate reports, the greater the opportunities for the Fund for Modern Courts to advance its justice mission.

Please do what you can to promote the work of the Fund for Modern Courts! I am convinced that all of us working together can solve the Justice Gap and make the courts work for all New Yorkers!

Thank you again for this public service honor and for linking my name in this small way to the legendary Fern Schair.